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CITY AND COUNTY OF SAN FRANCISCO
COMMISSION ON THE ENVIRONMENTGOVERNMENT
DOCUMENTS DEPTNOTICE OF MEETING AND AGENDA
TUESDAY, JANUARY 27, 2009, 5:00 P.M.
City Hall, Room 416
San Francisco, CA 94102

JAN 23 2009

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COMMISSION MEMBERS: Commissioners Paul Pelosi Jr. (President), Ruth Gravanis (Vice-President), Angelo King, Darian Rodriguez Heyman, Jane Marie Francis Martin, Matt Tuchow, Johanna Wald

ORDER OF BUSINESS

Public comment will be taken before the Commission takes action on any item.

1. **Call to Order and Roll Call.**
2. **Adoption of Minutes of the October 30, 2008 Rescheduled Meeting and November 7, 2008 Special Retreat Meeting.** (Explanatory Documents: October 30, 2008 Draft Minutes http://sfgov.org/site/sfenvironment_page.asp?id=92872 and November 7, 2008 Draft Minutes http://sfgov.org/site/sfenvironment_page.asp?id=93937) (Discussion and Action)
3. **Public Comments:** Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda.
4. **Mandatory Recycling Ordinance Update.** Sponsor: Commission President Paul Pelosi Jr.; Staff Speaker: Mr. Robert Haley, Recycling Program Manager (Informational Report and Discussion)
5. **Green Holiday Tree Recycling Program.** Sponsor: Commission President Paul Pelosi Jr.; Staff Speaker: Mr. Robert Haley, Recycling Program Manager (Informational Report and Discussion)
6. **Status Update on Urban Forest Plan Requirements.** Sponsor: Commissioner Jane Martin; **Green Holiday Tree and Landmark Tree Ordinance Programs.** Sponsor: Commission President Paul Pelosi Jr.; Staff Speaker: Ms. Mei Ling Hui, Urban Forestry Council Coordinator (Informational Presentation and Discussion)
7. **Approval of the Department of the Environment's Fiscal-Year 2009-2010 Draft Budget.** (Explanatory Document: Draft Budget) Sponsor and Staff Speaker: Acting Director David Assmann, (Informational Report, Discussion, and Action)
8. **Adoption of the Department of the Environment's Information Systems (IS) Policy.** (Explanatory Document: IS Policy (Word) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/SFDOEInformationSystemsPolicy.doc>) Sponsor: Acting Director David Assmann, Staff Speaker: Mr. Lawrence Grodeska, Internet Communications Coordinator (Informational Report, Discussion, and Action)
9. **Electric Vehicle Initiative for San Francisco and the Bay Area.** Sponsor: Commission President Paul Pelosi Jr.; Staff Speaker: Mr. Bob Hayden, Transportation Manager (Informational Report and Discussion)
10. **Departmental Climate Action Plans Update.** Sponsor: Acting Director David Assmann; Staff Speaker: Ms. Calla Ostrander, Climate Action Coordinator (Informational Presentation and Discussion)

- 11. Program Proposals for Economic Stimulus Package.** Sponsor: Acting Director David Assmann, Staff Speaker: Mr. Cal Broomhead, Energy Manager (Informational Presentation and Discussion)
 - 12. Nomination and Election of Commission Officers.** (Continued from the November 7, 2008 Special Meeting) (Discussion and Action)
 - 13. Public Notice of 2009 Subscription and Renewal of Commission on the Environment and Committee Notices and Agendas as required by the Commission on the Environment Bylaws.** (Explanatory Document: Subscription Request Form (Word)
<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/Subscriptiontoagendas2009.doc>) Staff Speaker: Ms. Monica Fish, Commission Secretary (Information and Discussion)
 - 14. Operations Committee Report.** (Information and Discussion)
Chair's Report: Report on the October 14, 2008 Rescheduled Meeting and review of the agenda for the upcoming rescheduled meeting of February 4, 2009, at 5:00 p.m., 11 Grove Street.
 - 15. Policy Committee Report.** (Information and Discussion)
Chairs Report: Highlights of the November 17 and December 8, 2008 and January 13, 2009 meetings and review of the agenda for the February 9, 2009 meeting to be held at City Hall, Room 421.
 - 16. Commission Secretary's Report.** (Information and Discussion) (Explanatory Document: Commission Secretary's Report)
Monica Fish, Commission Secretary
 - Communications and Correspondence
 - Update on Pending City Legislation
 - 17. Director's Report.** (Information and Discussion) (Explanatory Document: Director's Report)
Updates on Department of the Environment administrative and programmatic operations relating to Budget Planning, Strategic Planning, Clean Air, Climate Division, Outreach and Education Division, Environmental Justice Division, Zero Waste, Toxics Reduction Program, and the Urban Forestry Division.
 - 18. Announcements.** (Information and Discussion)
 - 19. President's Announcements.** (Information and Discussion)
 - 20. New Business/Future Agenda Items.** (Information and Discussion)
 - 21. Public Comments:** Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda.
 - 22. Adjournment.**
- Monica Fish, Commission Secretary
TEL: (415) 355-3709; FAX: (415) 554-6393
- The next Meeting of the Commission on the Environment is scheduled for Tuesday, March 24, 2009, 5:00 p.m. at City Hall, Room 416.
- ** Copies of explanatory documents are available at (1) the Commission's office, 11 Grove Street, San Francisco, California between the hours of 9 a.m. and 5 p.m., (2) on the Commission's website http://sfgov.org/site/sfenvironment_meeting.asp?id=61004, (3) by clicking on the links by each agenda item above, (4) upon request to the Commission Secretary, at telephone number 415-355-3709, or (5) via e-mail at Monica.Fish@sfgov.org within three business days of a meeting. If any materials related to an item on this agenda have*

been distributed to the Commission after distribution of the agenda packet, those materials are available for public inspection at the Department of the Environment, 11 Grove Street, San Francisco, CA 94102 during normal office hours or will be made available at the [Commission's website](http://sfgov.org/site/sfenvironment_meeting.asp?id=61004) http://sfgov.org/site/sfenvironment_meeting.asp?id=61004 as links to the agenda or meeting minutes (by item).

Public Comment

At this time, members of the public may address the Commission on items of interest that are within the subject matter jurisdiction of the Commission but are not on today's agenda. Public comment will be taken following each agendized item. Each member of the public may address the Commission for up to three minutes, unless otherwise announced by the President. If it is demonstrated that the comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

The Brown Act forbids the Commission from taking action or discussing any item or issue not appearing on the posted agenda. This rule applies to issues raised in public comment as well. In response to public comment, not on an agendized item, the Commission is limited to:

1. Briefly responding to statements made or questions posed by members of the public, or
2. Request staff to report back on a matter at a subsequent meeting, or
3. Directing staff to place the item or issue on a future agenda (Government Code Section 54954.2(a).)

Disability Access

The Commission on the Environment meeting is held at City Hall, Room 416 in the Civic Center Area. The Commission meeting rooms are wheelchair accessible. The closest accessible BART station is the Civic Center Station at United Nations Plaza and Market Street. Accessible MUNI lines serving this location are: #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro Stations at Van Ness and Market and at Civic Center. For information about MUNI accessible services call (415) 923-6142. There is accessible curbside parking adjacent to City Hall on Grove Street and Van Ness Avenue and in the vicinity of the Veterans Building at 401 Van Ness Avenue adjacent to Davies Hall and the War Memorial Complex.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. Individuals with chemical sensitivity or related disabilities should call the Mayor's Office on Disability at (415) 554-6789 or (415) 554-6799 (TTY) for additional information.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact Monica Fish at (415) 355-3709 to make arrangements for the accommodation. Late requests will be honored, if possible.

Know your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force, Frank Darby, Jr., Sunshine Task Force Administrator, City Hall, Room 409, One Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683 at Phone No.: (415) 554-7724; Fax No.: (415) 554-7854; E-mail: sotf@sfgov.org. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.sfgov.org.

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100, et. seq] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at: 25 Van Ness Avenue, 2nd Floor, San Francisco, CA 94102; telephone (415) 252-3100, fax (415) 252-3112, web site at www.sfgov.org/ethics.

Important Information

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

NOTE: Persons unable to attend the meeting may submit to the Commission on the Environment, by the time the proceedings begin, written comments regarding the agenda items above. These comments will be made a part of the official public record and shall be brought to the attention of the Commission on the Environment members. Any written comments should be sent to: Commission Secretary of the Environment, 11 Grove Street, San Francisco, CA 94102 by 5:00 p.m. on the day prior to the hearing. Comments that cannot be delivered to the Commission Secretary by that time may be taken directly to the hearing at the location above.

When bringing handouts to meetings, please photocopy on both sides of the paper and try to use post-consumer recycled or tree-free paper. Also, please bring sufficient copies of handouts for the Commission, the Commission Secretary and the public.

Posted: January 22, 2009

FILE NO.

LEGISLATIVE DIGEST

[Mandatory Recycling and Composting.]

Ordinance amending the San Francisco Environment Code by adding Chapter 18, Sections 1801 through 1814, entitled "Mandatory Recycling and Composting Ordinance," amending the San Francisco Public Works Code by amending Section 173, and amending the San Francisco Health Code by amending Sections 291, 291.1, 291.2, 291.4, 291.5, 291.15, and 293.1, all to: (1) require all persons located in San Francisco to separate recyclables, compostables and landfilled trash and participate in recycling and composting programs; (2) provide enforcement mechanisms and penalties for violations; (3) set an operative date; and (4) ensure that all properties subscribe to refuse collection service; and making environmental findings.

Existing Law

Current law does not require people or businesses to recycle, or prohibit them from disposing of recyclable or compostable materials along with their garbage, although there are special requirements for disposal of construction debris and hazardous waste.

Owners of residential properties must contract for garbage collection.

Amendments to Current Law

The proposal would require all persons in San Francisco to separate their garbage into recyclables, compostables, and trash, and place each in a separate container designated for disposal of that type of garbage.

Owners or managers of multifamily or commercial properties, businesses selling food or beverages to consumers, and events serving food in connection with a permit to use City property would be required to provide appropriately labeled and color coded containers for separate disposal of recyclables, compostables, and trash. ("Commercial properties" would be defined as any "real property where refuse is generated that is not a dwelling, including schools, institutions, and City properties.") Owners or managers of all residential, multifamily or commercial properties, events or other facilities that generate garbage would be required to contract for collection service for recyclables, compostables and trash.

If a collector finds the wrong type of garbage in a container, such as recyclables or compostables in a trash container, the collector would be required to leave a tag on the

Mayor Newsom
BOARD OF SUPERVISORS

container identifying the incorrect materials. If it happened a second time, the collector would be required to leave another tag and send a written notice to the person who contracts for that collection service. If it happened a third or subsequent time, the collector could refuse to empty the container. The collector would be required to leave a tag and send a written notice to the person who contracts for the collection service, identifying the incorrect materials and describing what action must be taken for the materials to be collected. A collector could not refuse to empty containers from multifamily or commercial properties with multiple tenants and joint account collection service on this basis.

The Director of Public Works could issue administrative citations to enforce the ordinance. Generally, the penalties could not exceed \$1,000, although the Director of the Department of the Environment could by regulation cap penalties at lower levels. But the penalty for any violation at a dwelling or commercial property that generates less than one cubic yard of refuse per week could not initially exceed \$100. And no person who is the owner, tenant, manager, employee, contractor, or visitor of a multifamily or of a multi-tenant commercial property could be subject to penalties for failure to separate recyclables, compostables, and trash unless and until the Director had adopted specific regulations setting out the liability of such persons. The Director could not adopt such regulations before July 1, 2011.

1 [Mandatory Recycling and Composting.]

2
3 Ordinance amending the San Francisco Environment Code by adding Chapter 18,
4 Sections 1801 through 1814, entitled "Mandatory Recycling and Composting
5 Ordinance," amending the San Francisco Public Works Code by amending Section 173,
6 and amending the San Francisco Health Code by amending Sections 291, 291.1, 291.2,
7 291.4, 291.5, 291.15, and 293.1, all to: (1) require all persons located in San Francisco to
8 separate recyclables, compostables and landfilled trash and participate in recycling
9 and composting programs; (2) provide enforcement mechanisms and penalties for
10 violations; (3) set an operative date; and (4) ensure that all properties subscribe to
11 refuse collection service; and making environmental findings.

12 Note: Additions are *single-underline italics Times New Roman*;
13 deletions are ~~*strikethrough italics Times New Roman*~~.
14 Board amendment additions are *double underlined*.
Board amendment deletions are ~~*strikethrough normal*~~.

15 Be it ordained by the People of the City and County of San Francisco:

16
17 Section 1. **Findings.** The Board of Supervisors finds and declares:

- 18 1. The City and County of San Francisco has a duty to protect the natural
19 environment, the economy, and the health of its citizens.
- 20 2. The California Integrated Waste Management Act of 1989 requires cities and
21 counties to reduce, reuse and recycle (including composting) solid waste generated in the
22 state to the maximum extent feasible before any incineration or landfill disposal of waste, to
23 conserve water, energy and other natural resources, and to protect the environment.
- 24 3. The California Integrated Waste Management Act of 1989 mandates that each local
25 jurisdiction in the state divert 50% of discarded materials from landfill. Every city and county

1 in California could face fines up to \$10,000 a day for not meeting the 50% diversion goal. In
2 2001, the California Integrated Waste Management Board adopted a Strategic Directive
3 statewide zero waste goal.

4 4. The State of California regulates hazardous waste (e.g., paint, batteries, electronics)
5 and sets management standards, including banning landfill disposal of hazardous waste, to
6 protect public health and the environment, and conserve natural resources. As a result,
7 services to collect and recycle hazardous waste materials include more than 100
8 neighborhood drop-off sites throughout the city for various materials, a year-round facility that
9 accepts all materials, and an appointment-based home pick-up service.

10 5. For each ton of municipal waste landfilled, about 71 tons of waste have been
11 created "upstream" from the mining, manufacturing and distribution of materials in the product
12 lifecycle, resulting in significant resource depletion, pollution and climate-changing impacts.

13 6. Organic or compostable waste that is buried in the anaerobic conditions of
14 landfills creates methane gas along with the leaching of toxins. Methane gas is at least 21
15 times as potent as carbon dioxide in changing the planet's climate. Twenty percent of San
16 Francisco's planned reductions in climate-changing emissions come from diverting additional
17 solid waste from landfill.

18 7. The Board of Supervisors has adopted goals of 75% diversion from landfill by 2010
19 and zero waste to landfill or incineration by 2020. This policy includes urging greater
20 consumer responsibility, including mandatory participation in diversion programs.

21 8. People who live in, work in, or visit San Francisco generate over 2 million tons of
22 solid waste annually. While the city has an overall landfill diversion rate of 70% (as reported
23 to the State), most residents and businesses divert closer to 50% through recycling and

1 composting, resulting in over 660,000 tons per year of material from San Francisco being
2 landfilled in 2006.

3 9. Growth in the rate of landfill diversion in San Francisco has leveled off in recent
4 years, with an increase of less than 1% from 2005 to 2006, and continued voluntary diversion
5 participation alone will not likely enable the City to meet its 75% diversion goal by 2010.

6 10. San Francisco's agreement with the Altamont Landfill in Alameda County provides
7 for waste disposal of up to 15 million tons. At the end of 2007, nearly 12 million tons of this
8 contract capacity had been used, leaving about 3 million tons of capacity remaining. At the
9 current disposal rate at the Altamont Landfill there are about 5 years left (until 2013) on the
10 City's landfill contract. Increased diversion will extend the life of this landfill contract with its
11 favorable low disposal costs, while any new landfill contract will likely increase disposal costs
12 and subsequently trash collection rates in San Francisco.

13 11. After years of voluntary, convenient, nation-leading, award-winning programs and
14 outreach and financial incentives, a comprehensive study found that 36% of what San
15 Francisco sends to landfills is compostable (primarily food scraps) and 31% is recyclable
16 (mostly paper), and this breakdown essentially applies to all sectors (residential, commercial
17 and City government).

18 12. There are facilities in the City and surrounding areas that can effectively reuse,
19 recycle, compost or otherwise process and market most materials discarded in San Francisco
20 and thereby divert such materials from landfill while creating jobs.

21 13. Many state and local governments have mandated recycling of various materials
22 and composting of yard trimmings, or conversely banned them from landfill, resulting in
23 significant increases in waste diversion.

1 14. State legislation that would have mandated owners or managers of multifamily
2 buildings to provide recycling collection for their tenants was vetoed by the Governor because,
3 as he stated, local jurisdictions already have the authority to mandate this participation locally.

4 15. The Board of Supervisors passed a mandatory Construction and Demolition Debris
5 Recovery Ordinance (No. 27-06), effective July 1, 2006, which helped divert more than 26,000
6 additional tons from landfill in its first year of implementation.

7 16. In keeping with the Precautionary Principle, codified in Chapter 1 of the
8 Environment Code, this Chapter requires diversion of recyclable or compostable materials
9 from landfill for beneficial use as a deterrent to unsafe and wasteful practices. In this way, the
10 City will create and maintain a healthy, viable environment for current and future generations,
11 and will become a model of sustainability.

12
13 Section 2. The San Francisco Environment Code is hereby amended by adding
14 Chapter 18, Sections 1801 through 1814, to read as follows:

15 **SEC. 1801. TITLE.**

16 *This Chapter shall be entitled "Mandatory Recycling and Composting".*

17
18 **SEC. 1802. DEFINITIONS.**

19 *For the purposes of this Chapter, the following words have the following meanings:*

20 (a) *"City" means the City and County of San Francisco.*

21 (b) *"Collection" means taking physical possession of and removing discarded material from*
22 *the place of generation for subsequent off-site management of that material.*

23 (c) *"Collection Container" means the receptacle that is provided, designated and serviced by*
24 *the collector for the collection of recyclables, compostables or trash.*

1 (d) "Collector" means the person, firm or corporation licensed and permitted to collect refuse
2 by the Director of Public Health pursuant to the provisions of the Refuse Collection and Disposal
3 Ordinance adopted November 8, 1932, as amended, and any other collectors of discarded material not
4 excluded under that ordinance.

5 (e) "Commercial Property" means a parcel or any portion of real property where refuse is
6 generated that is not a dwelling, including schools, institutions, and City properties.

7 (f) "Compostable" means any material that can be broken down into, or otherwise become
8 part of, usable compost (e.g., soil-conditioning material) in a safe and timely manner as accepted in
9 San Francisco's compostables collection program, such as food scraps, soiled paper and plant
10 trimmings. Compostable materials can also include disposable plastic food service ware and bags if
11 labeled "Compostable", in accordance with the Food Service Waste Reduction Ordinance (No.
12 295-06) and Department of the Environment regulations for easy identification, meeting the ASTM
13 Standard Specification (D6400) for compostable plastics, and consistent with State labeling law
14 (California Public Resources Code Section 42359) that any plastic bag or food container labeled
15 "Compostable" must meet the ASTM Standard Specification for compostable plastics.

16 (g) "Construction and Demolition Debris" means building materials generated from
17 construction and demolition activities including, but not limited to, fully-cured asphalt, concrete, brick,
18 rock, soil, lumber, gypsum wallboard, cardboard and other associated packaging, roofing material,
19 ceramic tile, carpeting, fixtures, plastic pipe, metals, tree stumps, and other vegetative matter resulting
20 from land clearing and landscaping for construction, deconstruction, demolition or land developments.
21 Hazardous waste, as defined in California Health and Safety Code Sections 25100 et seq., is not
22 construction and demolition debris for purposes of this Chapter.

23 (h) "Customer" means any person being served food from a food vendor or event.

24 (i) "Department" means the San Francisco Department of the Environment.

1 (j) "Designated" means clearly labeled and color-coded for a material type, such as labeled
2 blue receptacles for recyclables, green for compostables and black for trash.

3 (k) "Director" means the Director of the Department of the Environment or his or her designee.

4 (l) "Disposable Food Service Ware" means all containers, bowls, plates, trays, carton, cups,
5 lids, straws, forks, spoons, knives, napkins and other items that are designed for one-time use for
6 serving food.

7 (m) "Dwelling" means a residence, flat, apartment, or other facility, used for housing one or
8 more persons.

9 (n) "Event" means any function that serves food and is permitted through any agency,
10 including, but not limited to, the Department of Parking and Traffic, the Recreation and Park
11 Department, the Port of San Francisco or, to the extent permitted by law, the National Park Service.

12 (o) "Food Vendor" means any and all sales outlets, stores, shops, vehicles or other places of
13 business located or operating in the city that operate primarily to sell or convey foods or beverages to
14 consumers.

15 (p) "Manager" means the authorized agent for the owner of a building, structure or property,
16 who is responsible for the day-to-day operation of said building, structure or property.

17 (q) "Multifamily Property" means a property that includes multiple residential households and
18 has a single account with collector(s) for recyclables, compostables and trash.

19 (r) "Person" means a natural person (including a resident, employee, or visitor), a firm,
20 business concern, association, partnership, corporation or governmental entity, including the City and
21 County of San Francisco and its departments, boards and commissions, and successors or assigns.

22 (s) "Public Trash Container" means any receptacle installed by a public agency at a sidewalk,
23 park or other public area and that is not under the control, unless otherwise required by this Chapter,
24 of a multifamily or commercial property, food vendor or event manager.

1 (i) "Recyclable" means any material that can be sorted and reconstituted, for the purpose of
2 using the altered form in the manufacture of a new product, as accepted in San Francisco's recycling
3 collection program, such as paper, bottles and cans. Recycling does not include burning, incinerating,
4 converting, or otherwise thermally destroying solid waste.

5 (ii) "Refuse" has the meaning set forth in the Refuse Collection and Disposal Ordinance
6 adopted November 8, 1932, as amended, and includes recyclables, compostables, and trash, but not
7 construction and demolition debris, all as defined in this Chapter.

8 (v) "Source Separate" means to divide refuse at the place of discard generation, prior to
9 collection, into separate containers that are designated for recyclables, compostables or trash.

10 (w) "Transfer Station" means a facility that is permitted under Health Code Section 294 to
11 receive discarded materials and transport them to a landfill for disposal.

12 (x) "Trash" means material that is designated for landfill disposal by the collector and does
13 not include either recyclable or compostable materials. The term "trash" does not include hazardous
14 waste, as defined in California Health and Safety Code Sections 25100 et seq., or construction and
15 demolition debris as defined in this Chapter.

17 **SEC. 1803. SOURCE SEPARATION OF REFUSE REQUIRED.**

18 All persons in San Francisco must source separate their refuse into recyclables, compostables
19 and trash, and place each type of refuse in a separate container designated for disposal of that type of
20 refuse. No person may mix recyclables, compostables or trash, or deposit refuse of one type in a
21 collection container designated for another type of refuse, except as otherwise provided in this
22 Chapter.

1 **SEC. 1804. REQUIREMENTS FOR OWNERS OR MANAGERS OF MULTIFAMILY AND**
2 **COMMERCIAL PROPERTIES.**

3 (a) Owners or managers of multifamily or commercial properties must provide source
4 separated collection of recyclables, compostables and trash to the tenants, employees, contractors, and
5 customers of the properties.

6 (b) Owners or managers of multifamily or commercial properties must supply appropriate
7 containers, placed in an appropriate location, to make source separation of refuse convenient for the
8 tenants, employees, contractors, and customers of the properties. The containers must:

9 (1) Be of appropriate number and size in light of the recyclable, compostable, and trash
10 quantities reasonably anticipated to be generated at the location;

11 (2) Bear appropriate signage and be color coded to identify the type of refuse to be
12 contained—blue for recyclables, green for compostables, and black for trash—and meet any additional
13 design criteria established by the Department by regulation; and,

14 (3) Be placed as close together as possible, to provide equally convenient access to
15 users.

16 (c) Owners or managers of multifamily or commercial properties must provide information
17 and/or training for new tenants, employees and contractors, including custodians, on how to source
18 separate recyclables, compostables and trash, and must re-educate existing tenants, employees and
19 contractors at least once a year.

20 (d) New construction or expansion of multifamily or commercial properties may be subject to
21 Department of Building Inspection requirements, such as Administrative Bulletin 088 and Building
22 Code Chapter 13, Section 1304C, to provide adequate space for recyclables and compostables, which
23 includes requiring any chute systems to keep compostables, recyclables and trash separate.

1 **SEC. 1805. REQUIREMENTS FOR OWNERS OR MANAGERS OF FOOD VENDORS AND**
2 **EVENTS.**

3 (a) *Owners or managers of food vendors and events must provide source separated collection*
4 *of recyclables, compostables and trash to their employees, contractors and customers.*

5 (b) *Owners or managers of food vendors and events must supply appropriate containers,*
6 *placed in appropriate locations, to make source separation of recyclables, compostables, and trash*
7 *convenient for the employees, contractors, and customers of the food vendors and events. The*
8 *containers must:*

9 (1) *Be of appropriate number and size in light of the recyclable, compostable, and trash*
10 *quantities reasonably anticipated to be generated at the location;*

11 (2) *Bear appropriate signage and be color coded to identify the type of refuse to be*
12 *deposited—blue for recyclables, green for compostables, and black for trash—and meet any additional*
13 *design criteria established by the Department by regulation; and,*

14 (3) *Be placed as close together as possible to provide equally convenient access to*
15 *users.*

16 (c) *Owners or managers of food vendors and events must provide information and/or training*
17 *for new tenants, employees, and contractors, including custodians, on how to source separate*
18 *recyclables, compostables, and trash, and must re-educate existing tenants, employees, and contractors*
19 *at least once a year.*

20 (d) *Food vendors that provide disposable food ware must have at least one container each for*
21 *recyclables, compostables and trash for use by customers and visitors, placed inside near a main exit.*
22 *Food vendors meeting the requirements of this Section are exempt from the requirement of Public*
23 *Works Code Section 173 to place “a litter receptacle outside each exit.” Multiple food vendors that*
24 *provide disposable food service ware and share a common eating area may share an appropriate*

1 number, size, and placement of containers for recyclables, compostables and trash for convenient use
2 by customers or visitors.

3 (e) Food vendors and events must not put any fats, oils or grease in trash collection containers.

4

5 **SEC. 1806. REQUIREMENTS FOR REFUSE COLLECTORS, TRANSFER STATIONS, AND**
6 **PROCESSING FACILITIES.**

7 (a) All collectors must appropriately designate the collection containers they provide to
8 customers for source separation of recyclables, compostables and trash. The containers must:

9 (1) Bear appropriate signage that allows users to clearly and easily identify which
10 containers to use for recyclables, compostables or trash;

11 (2) Be color-coded—blue for recyclables, green for compostables and black for trash;
12 and,

13 (3) Bear the name of the collector to whom the container belongs.

14 (b) (1) If a collector finds materials that are not the correct type as designated for that
15 container, such as recyclables or compostables in a trash container, or trash in a compostables or
16 recyclables container, the collector then must leave a tag on the container identifying the incorrect
17 materials.

18 (2) If the collector continues to find incorrect materials in a collection container after
19 the collector has left a previous tag for that customer and that type of container, the collector must
20 leave another tag on the container identifying the incorrect materials and send a written notice to the
21 person who subscribes for that collection service.

22 (3) If the collector continues to find incorrect materials in a collection container after
23 the collector has already left two or more tags for that customer and that type of container, the
24 collector may refuse to empty the container, subject to California Code of Regulations Title 14.

1 Section 17331, or as determined by the Director of Public Health or his or her designee. If the
2 container is not emptied, the collector must leave a tag and send a written notice to the person who
3 subscribes for the collection service, identifying the incorrect materials and describing what action
4 must be taken for the materials to be collected; provided, however, that a collector may not refuse on
5 this basis to empty containers from multifamily or commercial properties with multiple tenants and
6 joint account collection service.

7 (4) The collector shall, upon request, provide to the Director a list of the names and
8 addresses of those persons who have received tags or notices or whose containers have not been
9 emptied due to non-compliance with this Chapter, or copies of the tags or notices issued by the
10 collector. The collector shall also provide to the Director, upon request, a list of the names, addresses,
11 and service levels of the collector's customers and any additional information required by the Director.

12 (c) Within 90 days of the end of each calendar year, each collector must submit to the
13 Department, on a form specified by the Director, an annual report of all tons collected by material type
14 and to whom the material was sent.

15 (d) No person may deliver recyclables or compostables, including those mixed with trash, to a
16 landfill or transfer station for the purpose of having those materials landfilled, except as follows:

17 (1) A collector may drop off recyclables or compostables at the San Francisco transfer
18 station for landfill if the transfer station has agreed to provide to the Director, upon request, audits of
19 collection vehicles for a specified period going forward in time. The transfer station's audit shall
20 report the quantity of recyclables or compostables, stated as estimated tons per load or as a percentage
21 of the loads, deposited at the transfer station by collection vehicles specifically identified in the request
22 over a reasonable period of time occurring after the request.

23 (2) A processing facility that sorts and reconstitutes recyclables for the purpose of using
24 the altered form in the manufacture of a new product or turns compostables into usable and marketable

1 compost (e.g., soil-conditioning) material may send to a landfill a minor portion of those materials that
2 constitutes unmarketable processing residuals, if the processing facility provides to the Director, upon
3 request, audits of specific collection vehicles for a specific period going forward in time, of the
4 quantities of recyclables or compostables sent to the landfill from the processing facility.

5 (e) No person may deliver trash from the city, including trash mixed with recyclables or
6 compostables, to a processing facility, unless the processing facility has agreed to provide to the
7 Director, upon request, audits of collection vehicles for a specified period going forward in time. The
8 processing facility's audit shall report the quantity of trash, stated as estimated tons per load or as a
9 percentage of the loads, deposited at the processing facility by collection vehicles specifically identified
10 in the request over a reasonable period of time occurring after the request.

11

12 **SEC. 1807. REQUIREMENT TO SUBSCRIBE TO REFUSE COLLECTION SERVICE.**

13 Owners of residential, multifamily or commercial properties, events or other facilities that
14 generate refuse must subscribe to, pay for, and provide an accessible location for sufficient levels of
15 service with collector(s) for source separated recyclables, compostables and trash, except as otherwise
16 provided in this Chapter. Owners of such properties are responsible for any failure to subscribe to or
17 pay for sufficient levels of refuse collection service. The Director of Public Health, pursuant to Health
18 Code Article 6, as amended, shall collect from owners for non-payment of refuse collections services.

19

20 **SEC. 1808. ENFORCEMENT.**

21 (a) The Director and his or her designee may administer all provisions of this Chapter and
22 enforce those provisions by any lawful means available for such purpose, except as otherwise provided
23 in this Chapter.

1 (b) To the extent permitted by law, the Director may inspect any collection container, collection
2 vehicle load, or receiving facility for collected trash, recyclables or compostables.

3 (c) The Director of Public Works and his or her designee may issue administrative citations for
4 violations of this Chapter or of any rule or regulation adopted pursuant to this Chapter, except as
5 otherwise provided in this Chapter. San Francisco Administrative Code Chapter 100, "Procedures
6 Governing the Imposition of Administrative Fines," as amended, is hereby incorporated in its entirety
7 and shall govern the imposition, enforcement, collection, and review of administrative citations issued
8 to enforce this Chapter and any rule or regulation adopted pursuant to this Chapter; provided,
9 however, that:

10 (1) The Director may adopt regulations providing for lesser penalty amounts than those
11 provided in Administrative Code Section 100.5;

12 (2) The fine for any violation at a dwelling or commercial property that generates less
13 than one cubic yard of refuse per week may not initially exceed \$100; and,

14 (3) No person who is the owner, tenant, manager, employee, contractor, or visitor of a
15 multifamily or of a multi-tenant commercial property shall be subject to fines or penalties for violation
16 of Section 1803, unless and until the Director has adopted specific regulations setting out the liability
17 of such persons. The Director shall not adopt such regulations prior to July 1, 2011.

18 (d) The City shall use administrative penalties collected under this Chapter, including recovery
19 of enforcement costs, to fund implementation and enforcement of this Chapter. Remedies under this
20 Chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal.

21
22 **SEC. 1809. FORMS, REGULATIONS AND GUIDELINES.**

23 (a) After public notice and a public hearing, the Director may adopt necessary forms,
24 regulations, and guidelines to implement this Chapter.

1 (b) The Department shall provide assistance regarding compliance with this Chapter.

2 (c) The Department shall provide information on its website regarding what materials are
3 accepted as recyclables, compostables, and trash under this Chapter.

5 **SEC. 1810. EXCEPTIONS**

6 (a) A property owner or manager may seek a waiver from the Director of all or portions of this
7 Chapter, if the applicant submits documentation, using a form specified by the Director and including a
8 signed affidavit under penalty of perjury, that shows that the property does not have adequate storage
9 space for containers for recyclables, compostables or trash. In cases where after on-site verification
10 space limitations are determined to exist, the Director shall evaluate the feasibility of sharing
11 containers for recyclables, compostables or trash with contiguous properties, and, where feasible,
12 requiring container sharing in lieu of providing a waiver.

13 (b) Except as otherwise required by the Director, a collector may drop-off compostables or
14 recyclables at the San Francisco transfer station that have been collected from public trash containers.
15 The Director may require public trash containers to have a recyclables receptacle attached.

17 **SEC. 1811. OPERATIVE DATE.**

18 This Chapter shall become operative on January 1, 2009.

20 **SEC. 1812. DISCLAIMER OF LIABILITY.**

21 The degree of protection required by this Chapter is considered to be reasonable for regulatory
22 purposes. The standards set forth in this Chapter are minimal standards and do not imply that
23 compliance will ensure safe handling of recyclables, compostables or trash. This Chapter shall not
24 create liability on the part of the City, or any of its officers or employees for any damages that result

1 from reliance on this Chapter or any administrative decision lawfully made in accordance with this
2 Chapter. All persons handling discarded materials within the city should be and are advised to
3 conduct their own inquiry as to the handling of such materials. In undertaking the implementation of
4 this Chapter, the City is assuming an undertaking only to promote the general welfare. It is not
5 assuming, nor is it imposing on its officer and employees, an obligation for breach of which it is liable
6 in money damages to any person who claims that such breach proximately caused injury.

7

8 **SEC. 1813. DUTIES ARE DISCRETIONARY.**

9 Subject to the limitations of due process and applicable requirements of State or federal laws,
10 and notwithstanding any other provisions of this Code, whenever the words "shall" or "must" are used
11 in establishing a responsibility or duty of the City, its elected or appointed officers, employees or
12 agents, it is the legislative intent that such words establish a discretionary responsibility or duty
13 requiring the exercise of judgment and discretion.

14

15 **SEC. 1814. SEVERABILITY.**

16 If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to
17 be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall
18 not affect the validity of the remaining portions of the Chapter. The Board of Supervisors hereby
19 declares that it would have passed this Chapter and each and every section, subsection, sentence,
20 clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this
21 Chapter would be subsequently declared invalid or unconstitutional.

22

23 Section 3. The San Francisco Public Works Code is hereby amended by amending
24 Section 173, to read as follows:

1 SEC. 173. PLACEMENT AND MAINTENANCE OF LITTER RECEPTACLES.

2 (a) It is the intent of this Section to ensure that public areas are kept clean and free
3 from litter.

4 (b) Any person, firm or corporation operating a grocery store, a liquor store or an
5 establishment selling food or beverages for consumption off the premises shall place and
6 maintain a litter receptacle outside of each exit from said premises for the use of the patrons
7 thereof during business hours: provided, however, that a person, firm, or corporation is not
8 required under this Section to place and maintain a litter receptacle outside each exit if that person,
9 firm, or corporation places and maintains a set of three containers for recyclables, compostables and
10 trash for use by customers and visitors as specified in Chapter 18 of the Environment Code.

11 (c) Any person, firm, corporation, or property owner operating a place of employment
12 shall provide and maintain adjacent to the place of employment sufficient ashtrays or other
13 receptacles for the disposal of cigarettes, cigars, and other similar combustible products used
14 by employees and patrons who smoke. The Director of Public Works shall authorize the
15 placement of such ashtrays or other receptacles in the public right-of-way where necessary.

16 (d) The design, capacity, location, and number of ashtrays and receptacles shall be
17 prescribed by the Director of Public Works. Decals may be placed upon said receptacles
18 subject to the limitations set forth in Section 171 of this Article.

19 (e) The receptacle shall be emptied when full and at the close of business each day
20 and the contents thereof shall be stored or set out for collection in the same manner as other
21 refuse generated in the operation of the business. Each receptacle shall be maintained in a
22 clean and sanitary condition.

23 (f) Violation of this Section shall constitute an infraction and shall be punishable by a
24 fine of not less than \$80 nor more than \$100; for a second offense by a fine not less than

1 \$150 nor more than \$200; and for each additional offense by a fine not less than \$250 nor
2 more than \$500. In the alternative, an administrative penalty not to exceed \$250 may be
3 assessed for each violation. Such penalty shall be assessed, enforced and collected in
4 accordance with Section 39-1 of the Police Code.

5

6 Section 4. The San Francisco Health Code is hereby amended, by amending Sections
7 291, 291.1, 291.2, 291.4, 291.5, and 291.15, to read as follows:

8 **SEC. 291. OWNER RESPONSIBILITY FOR MAINTENANCE OF REFUSE COLLECTION
9 SERVICE TO DWELLINGS AND COMMERCIAL PROPERTIES; DEFINITIONS.**

10 Unless the context otherwise specifies or requires, the terms defined in this Section
11 shall, for all purposes of this Article, have the meanings herein specified, the following
12 definitions to be equally applicable to both the singular and plural forms of any of the terms
13 herein defined:

14 (a) The term "City" means the City and County of San Francisco;

15 (b) The term "Collector" means a refuse collector duly licensed pursuant to the
16 provisions of the Initiative Ordinance;

17 (c) The term "Commercial Property" means a parcel or any portion of real property where
18 Refuse is generated that is not a Dwelling, including schools, institutions, and City properties.

19 (d) (e) The term "Director" means the Director of Health of the City, or his authorized
20 agents;

21 (e) (f) The term "dwelling" means a residence, flat, apartment, or other facility, used for
22 housing one or more persons in the City and County of San Francisco;

23 (f) (g) The term "Initiative Ordinance" means the Initiative Refuse Collection and
24 Disposal Ordinance adopted November 8, 1932, as amended; and

1 (lg) (f) The term "Owner" when used with reference to a dwelling shall mean, and shall
2 conclusively be deemed to be, the legal Owner of the dwelling and when used in reference to a
3 commercial property shall mean, and shall conclusively be deemed to be, the legal Owner of the
4 commercial property.

5

6 **SEC. 291.1. OWNER RESPONSIBLE FOR REFUSE COLLECTION SERVICE.**

7 The owner of any dwelling or commercial property shall subscribe to and pay for refuse
8 collection service rendered to such dwelling or commercial property by a collector and shall
9 provide at a location accessible to the collector for an adequate container or containers for
10 deposit of refuse of such capacity as the Director of Public Works may prescribe. The
11 necessity for and type of refuse collection service required and the rates charged therefor
12 shall be governed by the Initiative Ordinance and Chapter 18 of the Environment Code.

13 Nothing in this Section is intended to prevent an arrangement or the continuance of an
14 existing arrangement, under which payments for refuse collection service are made by a
15 tenant or tenants, or any agent, in behalf of the Owner. However, any such arrangement will
16 not affect the Owner's obligation to the City.

17

18 **SEC. 291.2. FAILURE TO INITIATE SERVICE OR TO PROVIDE SUFFICIENT REFUSE
19 CONTAINERS.**

20 When an owner fails to initiate adequate refuse collection service within 15 days of
21 occupancy of a Dwelling or commercial property by any person, the Director will give the Owner
22 notification that such service is required. A copy of said notice will be sent to the Collector. If
23 the Owner does not arrange with the Collector for service within 15 days from the date of

1 mailing of the notice, then the Collector shall initiate and continue refuse collection service for
2 said dwelling or commercial property.

3 When in the judgment of the Director additional refuse containers are required, they
4 shall be provided by the Owner upon written notification from the Director.

5 The Director of Public Health, after a public notice and hearing, may adopt forms, regulations,
6 and guidelines to ensure the payment and collection of refuse services from any commercial property
7 managers who fail to initiate or pay for sufficient refuse service.

9 SEC. 291.4. COLLECTOR ENTITLED TO PAYMENT FOR SERVICES RENDERED.

10 Pursuant to the provisions of the Initiative Ordinance, the Collector shall be entitled to
11 payment from the owner for services rendered. When the Owner has been directed to
12 initiate service but fails to provide an adequate container or containers at an accessible
13 location and the Collector attempts to collect refuse from the dwelling or commercial property,
14 then such attempt shall be deemed the rendering of collection service for which Collector is
15 entitled to compensation in the same manner and amount as if refuse had actually been
16 collected. Should there be failure to make payment for any service rendered by the
17 Collector, the means for effecting payment shall be in accordance with the procedure set
18 forth hereunder.

20 SEC. 291.5. COMPLAINT OF NONPAYMENT.

21 Any account shall be deemed delinquent 15 days after the last day of the normal billing
22 period for which service has been rendered when the bill has not been paid in full. Not less
23 than 15 days after the Owner has been mailed the bill containing the notice described in
24 Section 291.6 hereunder regarding a delinquent account and not more than 180 days after
25

1 such account has become delinquent respecting such bill, said Collector may file with the
2 Director a verified written complaint which shall contain the specific allegation setting forth the
3 name or names of the Owner, the address of the Dwelling or commercial property served, the
4 period of service, the amount due, the steps taken to secure payment and such other
5 information as the Director may reasonably require.

6 Pending satisfactory payment by said Owner, or by the City pursuant to Section 291.6
7 hereunder, the Collector shall continue to provide uninterrupted normal refuse collection
8 service to the Dwelling or commercial property covered by the complaint; provided, however,
9 that said Collector shall not be required to continue to provide such uninterrupted normal
10 refuse collection service if the City fails or is unable to pay the fees due under this Article after
11 the City has received the complaint and the rates or service to the Dwelling or commercial
12 property are not under adjudication as provided by the Initiative Ordinance.

13

14 **SEC. 291.15. MANNER OF GIVING NOTICES.**

15 Any notice required to be given hereunder by the City, the Director or any Collector to
16 an Owner shall be sufficiently given or served upon the Owner for all purposes hereunder if
17 personally served upon the Owner or if deposited, postage prepaid, in a post office letter box
18 addressed to the "Owner" at the official address of the Owner maintained by the Tax Collector
19 of the City for the mailing of tax bills or, if no such address is available, to the Owner at the
20 address of the dwelling or commercial property.

21 / / /
22 / / /
23 / / /

1 Section 5. The San Francisco Health Code is hereby amended by amending

2 Section 293.1, to read as follows:

3 **SEC. 293.1. VIOLATIONS.**

4 It shall be unlawful for any person other than the Collector, an authorized City employee
5 for enforcement purposes, or the generator of recyclable materials City's authorized curbside
6 recycling program collectors to take, remove, move or otherwise appropriate recyclable materials
7 that have been placed in a container designated by a Collector for recyclables or to take, remove,
8 move, or otherwise appropriate the container that is placed for collection the container in which
9 recyclable materials are placed for collection and the matters contained therein. The City and its
10 duly authorized collectors shall have the exclusive right to collect recyclable materials placed
11 for collection in public sidewalk and street areas.

12 Section 6. **Environmental Findings.** On _____, 2008, the Planning

13 Department determined that the actions contemplated in this Ordinance are categorically
14 exempt under the California Environmental Quality Act (California Public Resources Code
15 sections 121000 et seq.). Said determination is on file with the Clerk of the Board of
16 Supervisors in File No. _____ and is incorporated herein by reference.

17 / / /

18 / / /

19 / / /

20 / / /

21 / / /

22 / / /

23 / / /

24 / / /

1 Section 7. **Severability.** If any part or provision of this ordinance, or the application
2 thereof to any person or circumstance, is held invalid, the remainder of the ordinance,
3 including the application of such part or provision to other persons or circumstances shall not
4 be affected thereby and shall continue in full force and effect. To this end the provisions of the
5 ordinance are severable.

6

7 APPROVED AS TO FORM:
8 DENNIS J. HERRERA, City Attorney

9

10 By: 
11 THOMAS J. OWEN
12 Deputy, City Attorney

SFDOE Information Systems Policy

12/30/2008

- I. Scope of Policy**
- II. Open Standards & Open Source Software Philosophy**
- III. Justification**
- IV. Policy Specifics**

I. Scope of Policy

This policy addresses the information systems and web applications/services employed by SFDOE.

II. Open Standards & Open Source Philosophy

Open Standards

An "open standard" is one that is developed transparently and approved by a formalized committee operating on a consensus basis open to participation by all interested parties, and which generally does not require fees for use.

The W3C, the main international standards organization for the World Wide Web (WWW), defines the process for Open Standards to including the following:

- **transparency** (due process is public, and all technical discussions, meeting minutes, are archived and available for decision making)
- **relevance** (new standardization is started upon due analysis of the market needs, including requirements phase, e.g. accessibility, multi-linguism)
- **openness** (anybody can participate, and everybody does: industry, individual, public, government bodies, academia, on a worldwide scale)
- **impartiality and consensus** (guaranteed fairness by the process and the neutral hosting of the W3C organization, with equal weight for each participant)
- **availability** (free access to the standard text, both during development and at final stage, translations, and clear IPR rules for implementation, allowing open source development in the case of Web technologies)
- **maintenance** (ongoing process for testing, errata, revision, permanent access)

Open Source Software

"Open Source Software (OSS) is software whose source code is openly published, which is usually available at no charge, and which is often developed by voluntary efforts."¹

A very large portion of the regular functionality of the WWW is based on open source software – mailing lists, web servers, even most email distribution systems. It is generally agreed by software developers that the open source model provides many benefits, including improved software interoperability, increased development flexibility, lower cost of ownership, and increased security and reliability.^{2,3}

SFDOE strives to offer exemplary programs and services that are accessible by all residents of San Francisco and replicable in other communities. As government begins to rely more heavily upon the WWW for important information functions, SFDOE supports the idea that its efforts, and those of the broader community, are better served by opening as much source code of all software to anyone who might be able to improve it.

For a definition of Open Source, see: <http://opensource.org/docs/osd>.

III. Justification

The justification for adopting this policy is as follows⁴:

- There is a need to procure information systems (IS) solutions that provide maximum value (functionality, stability, security, etc.) for money.
- There is a need to ensure that the interoperability of SFDOE information systems is provided and maintained.
- Every effort should be made to reduce the cost and risk to SFDOE information systems. Adopting this policy helps achieve that by:
 - acquiring best value for money solutions
 - removing the reliance on individual IS suppliers
 - providing more flexibility in the development, enhancement and integration of IS
 - allowing the option for ownership of application code should this option benefit SFDOE
 - assuring protection from software obsolescence and proprietary gridlock

- Security of SFDOE information systems is paramount. Properly configured OSS can be at least as secure as proprietary systems and OSS is currently subject to fewer Internet attacks.

IV. Policy Specifics

The key decisions of this policy are as follows⁵:

- SFDOE will consider OSS solutions alongside proprietary ones in IS procurements. Contracts will be awarded on a value for money basis.
- SFDOE will use products for interoperability that support open standards in the development of future IS systems.
- SFDOE will seek to avoid lock-in to proprietary IS products and services.
- SFDOE will consider obtaining full rights to custom software code or customizations of COTS (Commercial Off The Shelf) software it procures wherever this achieves best value for money.

This policy includes, but is not limited to, the following standards:

XML 1.0

XHTML 1.0, 1.1

CSS - Cascading Stylesheets

DOM

Section 508 Federal Government Accessibility standards

(www.usdoj.gov/crt/508/, www.section508.gov/)

¹ Dr Nic Peeling and Dr Julian Satchell. "Analysis of the Impact of Open Source Software." Qinetiq, October 2001. <www.govtalk.gov.uk/documents/Qinetiq_OSS_rep.doc>

² "The foundation of the business case for open-source is high reliability. Open-source software is peer-reviewed software; it is more reliable than closed, proprietary software. Mature open-source code is as bulletproof as software ever gets." Open Source Initiative. "Open Source Case for Business." opensource.org March, 31 2007. <www.opensource.org/advocacy/case_for_business.php>

³ "The open-source model also means increased security; because code is in the public view it will be exposed to extreme scrutiny, with problems being found and fixed instead of being kept secret until the wrong person discovers them." Open Source Initiative. "Open Source Case for Business." opensource.org March, 31 2007. <www.opensource.org/advocacy/case_for_business.php>

⁴ Office of Government Commerce, eGovernment Unit. "Open Source Software Use within UK Government." Crown copyright, October 28, 2004. <http://www.govtalk.gov.uk/documents/oss_policy_version2.pdf>.

⁵ Office of Government Commerce, eGovernment Unit. "Open Source Software Use within UK Government." Crown copyright, October 28, 2004. <http://www.govtalk.gov.uk/documents/oss_policy_version2.pdf>.



SF Environment

Our home. Our city. Our planet.



GAVIN NEWSOM
Mayor

JARED BLUMENFELD
Director

**2009 REQUEST FOR SUBSCRIPTION TO COMMISSION ON THE ENVIRONMENT
NOTICES, AGENDAS, or AGENDA PACKETS FOR COMMISSION AND/OR COMMITTEE
MEETINGS**

This notice is issued pursuant to the Commission on the Environment's Bylaws, Article XIII-Requests for Notice and Agendas as follows: "A request from a member of the media or public to receive notices, agendas, or agenda packets for Commission or committee meetings must be in writing and specify what the person would like to receive and whether notice by email is preferred. Such requests will be valid until the following January. In January of each year, the Commission will ask each person on the list to re-affirm their desire to stay on the list for another year through a notice on the Commission's January agenda."

Current Subscribers: Please advise whether to discontinue your subscription or add a new subscription to the Commission on the Environment's notices and agendas by sending this section back by email to Monica Fish, Commission Secretary at the following email address: Monica.Fish@sfgov.org or by mail at the Department of the Environment, 11 Grove Street, San Francisco, CA 94102.

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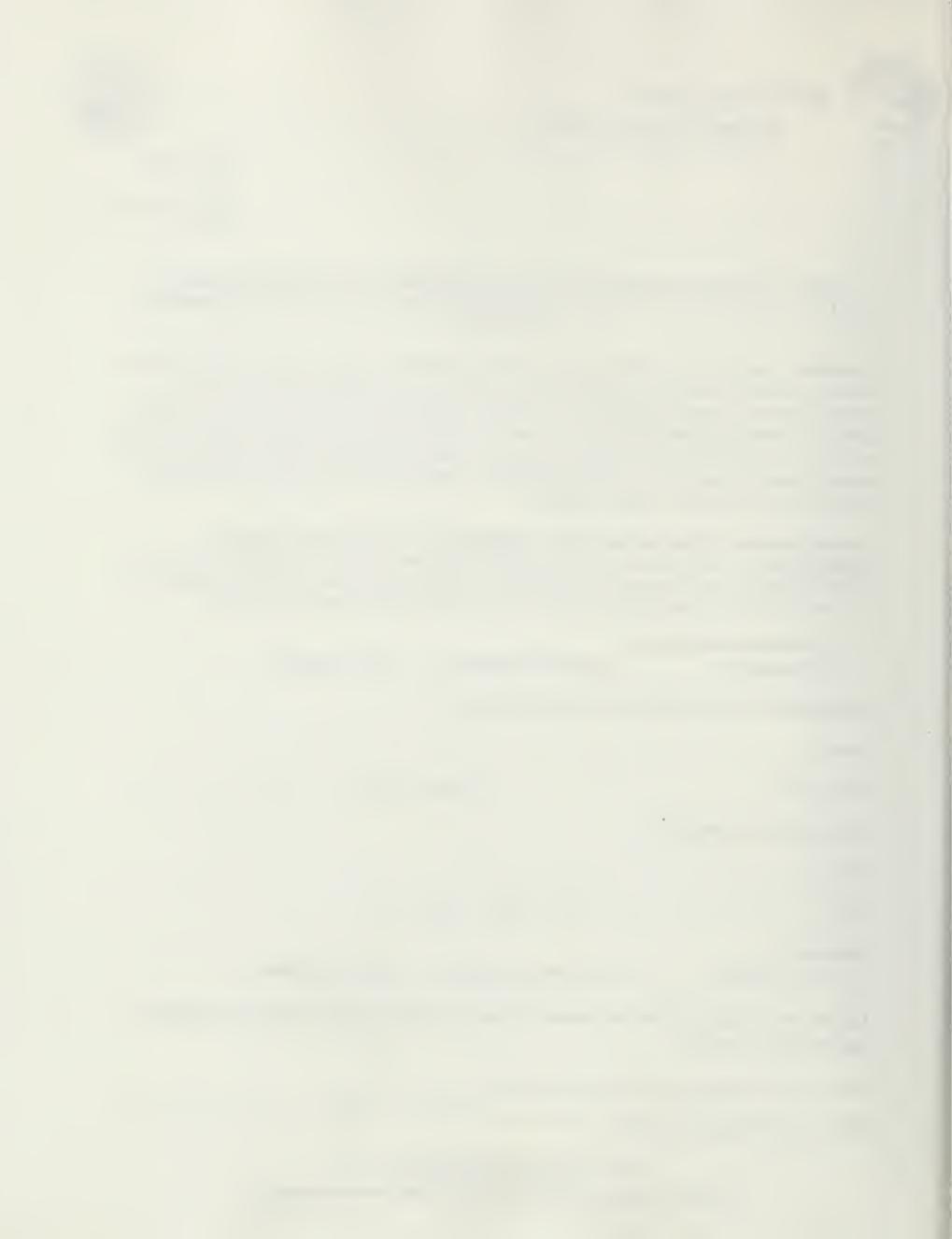
Please note that in order to conserve paper, email is the preferred method of subscription service.

This is to certify that the above notice was issued on _____

Monica Fish, Commission Secretary

11 Grove Street, San Francisco, California 94102
www.sfenvironment.com

Telephone (415) 355-3709 Fax 554-6393 E-mail: MonicaFish@sfgov.org



MEMORANDUM

DATE: January 27, 2009
TO: Honorable Commissioners, Commission on the Environment
FROM: Monica Fish, Commission Secretary
RE: Commission Secretary Report January 27, 2009

Update on City Legislation

Legislative Activity November 2008 – January 2009

October 7

Resolution of intent initiating the nomination of the California Buckeye tree (*Aesculus Californica*) located behind 757 Pennsylvania Street, (Assessor's Block 416B, Lot 11) for landmark tree status pursuant to Public Works Code Section 810(b), acknowledging temporary designation pursuant to Public Works Section 810(d), and authorizing other official acts in furtherance of the Resolution. Supervisor Maxwell presented. **Adopted 10/21.**

October 21

Ordinance amending the San Francisco Environment Code by amending Section 421 to add the option of qualified bicycle commuting reimbursements to the tax free commuter benefits San Francisco employers are required to offer under existing law; and making environmental findings. Supervisor Mirkarimi presented. ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee

November 4

Ordinance amending the San Francisco Environment Code by adding Chapter 18, Sections 1801 through 1814, entitled "Mandatory Recycling and Composting Ordinance," amending the San Francisco Public Works Code by amending Section 173, and amending the San Francisco Health Code by amending Sections 291, 291.1, 291.2, 291.4, 291.5, 291.15, and 293.1, all to: (1) require all persons located in San Francisco to separate recyclables, compostables and landfilled trash and participate in recycling and composting programs; (2) provide enforcement mechanisms and penalties for violations; (3) set an operative date; and (4) ensure that all properties subscribe to refuse collection service; and making environmental findings. Mayor presented. ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee.

December 9

Resolution supporting the public process of the development of the master plan for Ocean Beach. Supervisors Chu, McGoldrick, Elsbernd presented. **Adopted 12/16.**

December 16

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance 2008-2009) to reflect the addition of the following four positions: one 5642 Senior Environmental Specialist (0.40 FTE); two 5640 Environmental Specialists (0.40 FTE each); and one 5638 Environmental Assistant (0.40 FTE) at the Department of the Environment. Mayor presented.RECEIVED AND ASSIGNED to Budget and Finance Committee.

Ordinance establishing City policy to take all feasible steps to close the entire Potrero Power Plant as soon as possible and urging the Public Utilities Commission to immediately prepare a plan to close the Potrero Power Plant; and establishing clean energy goals; and urging the Public Utilities Commission to update the Electricity Resource Plan. Supervisors Maxwell, Peskin presented. RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

Resolution urging the California State Legislature to establish a Do Not Mail Registry. Supervisors Mirkarimi, Dufty, Campos presented.REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING. CONTINUED. Continued to December 16, 2008. REFERRED to City Operations and Neighborhood Services Committee. Supervisor Campos requested to be added as a co-sponsor.

Correspondence Received

W2 Wage and Tax Statements for Commissioners have been distributed at today's meeting.

Memorandum to Commissioners on Statement of Economic Interests (Form 700), Sunshine Ordinance Training Declaration and Certificate of Ethics Training AB1234 requirements for 2008 were emailed on January 20th and are attached. Please turn in your original signed forms to me at the March 24th Commission meeting for submission to the Ethics Commission. The Ethics Commission is holding training sessions on how to complete the forms. The training schedule is attached.

December 8, 2008 memorandum received from Denise D'Anne on producer responsibility and recycling and a reply from Mr. Paul Ledesma, Department Staff (attached).

December 8, 2008

Commission On the Environment
11 Grove Street
San Francisco, CA 94102

Dear Commissioners:

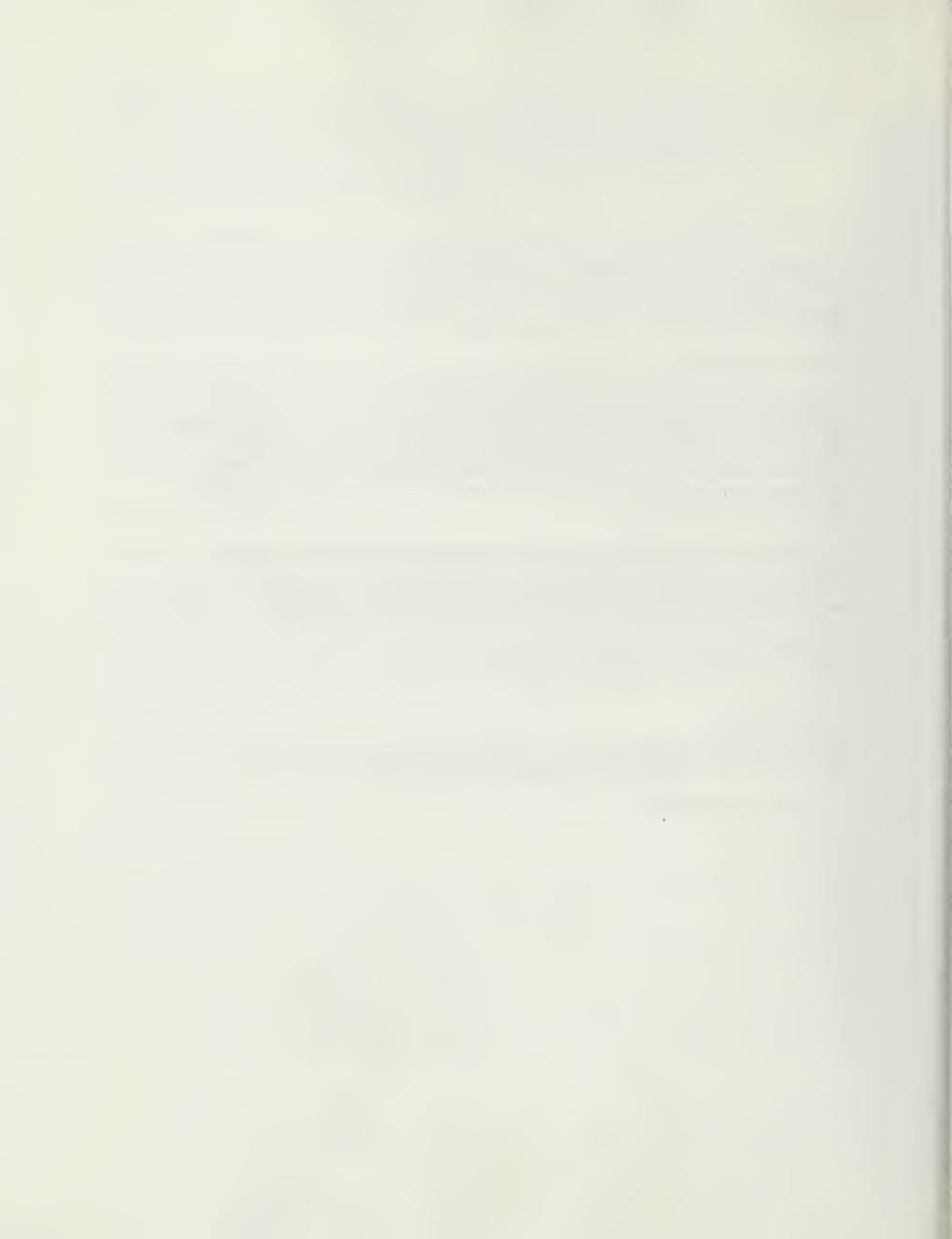
I have been talking and writing about the uselessness of relying solely on recycling. Now we find that the market for recycled materials has collapsed. I also have been begging the City to stop accepting Styrofoam packaging material to no avail. If we ban Styrofoam packaging we can create a use for cardboard because packaging material can be made from this product. Getting rid of Styrofoam will have a cascading effect since the City has a lot of leverage.

We also need to think about passing legislation to make the people who produce packaging more accountable. We can use incentives to get producers of our products to use less packaging material. We can also tax them for excessive packaging.

Sincerely,

Denise D'Anne
351 Guerrero St.
San Francisco, CA 94103-3331

Cc: Board of Supervisors



Paul Ledesma/ENV/SFGOV
01/07/2009 01:27 PM To

Re: Re: Action: Fw: PACKAGING MATERIAL

I spoke with Denise D'Anne regarding the use of Styrofoam packaging. Below is a brief note regarding my discussion with her.

SFE agrees with her assertion that recycling is not the sole answer to the solving the problem of waste. With regard to Styrofoam packaging, we are equally concerned about its ubiquitous use and consider it an unresolved issue. The City has recently held discussions with vendors and manufacturers of computer equipment in preparation for the new technology purchasing contract. While the City was successful in some aspects of "greening" this contract (for example, the City now specifies the higher green standard of EPEAT Gold, rather than Silver, for toxics and recyclability), we were not as successful in making progress in reducing the use of Styrofoam packaging. The use of Styrofoam packaging is an issue that effects the entire global supply chain for computers. For the manufacturers, the challenge is to ensure that computer equipment manufactured and distributed all over the world arrives to the end user in new working condition. In addition to concerns regarding durability in global shipping, most computer manufacturers also cited concerns of cost. Generally, the cost of producing special packaging that is effective for just the City of San Francisco would be prohibitive.

We also agree that legislation that either bans or creates economic disincentives for using Styrofoam in packaging is a good solution. However, the issue is that the City and County of San Francisco by itself does not provide adequate economic influence to demand change in the global marketplace. We believe that the appropriate venue for changing packaging is at the state and national levels. During the last legislative session, the City supported AB 3025 which would have banned the use of Polystyrene packaging peanuts in the State. While this proposed legislation did not pass, SFE will continue to champion such initiatives.

Paul Ledesma
City Government Zero Waste Coordinator
Department of the Environment
City and County of San Francisco
11 Grove St., San Francisco, CA 94102
Phone: (415) 355-3739
Fax: (415) 554-6393
paul.ledesma@sfgov.org



CITY AND COUNTY OF SAN FRANCISCO

COMMISSION ON THE ENVIRONMENT

GAVIN NEWSOM
MAYOR

DAVID ASSMANN
ACTING DIRECTOR

PAUL PELOSI, JR.
PRESIDENT

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JOHANNA WALD
COMMISSIONER

MONICA FISH
MISSION SECRETARY

Date: January 20, 2009

TO: Commissioners, Commission on the Environment and Department Heads

From: Monica Fish, Commission Secretary

RE: Annual Statement of Economic Interest Form for 2008/09, Sunshine Training Declaration Form, and AB1234 Certificate

It is again that time of year when the *Annual Statement of Economic Interest (Form 700, Sunshine Training Declaration Form, and Certificate of Ethics Training AB 1234 Certificate)* must be filed with the Ethics Commission by Department heads and all members of City boards and commissions. The section of the Campaign and Government Conduct Code (Section 3.1-100 et seq.) that sets forth who must file an SEI within the Department of Environment can be found at:
<http://www.municode.com/Resources/gateway.asp?pid=14133&sid=5>, Article 3, Chapter 1, Sec. 3.1-225, Environment, Department of the.

The Ethics Commission is holding Statement of Economic Interests training on either March 18th or March 26th for Commissioners and Department Heads (see attached for times, locations, RSVP requirements, and additional information).

What is Required:

1) **FPPC Form 700 for 2008/2009:** You may go online to complete and print the 2008/09 Form 700 at www.fppc.ca.gov. The actual form is located at this link: <http://www.fppc.ca.gov/forms/700-08-09/Form700-08-09.pdf>. Please use this year's form and print only the actual forms you need. The forms are interactive which means you can fill them out on the computer before printing them out to sign and file. **However, you are not able to save completed forms on your computer.**

Please note that forms are due to the Ethics Commission no later than Tuesday, April 1, 2009 or late fees will be assessed.

Department Heads and Commissioners may hand in the completed ***Annual Statement of Economic Interest (Form 700) (original and one copy--original signature)*** to the Commission Secretary at the next Commission meeting of **Tuesday, March 24, 2009**, so that I can make sure they are delivered to the Ethics Commission before the deadline. You may also deliver the forms directly to the Ethics Commission on or before **April 1, 2009**. Please provide me with a copy if you are sending your forms directly to the Ethics Commission for public record.

Electronic Filing

You may now file Statements of Economic Interests (SEI) online using the San Francisco Electronic Disclosure System (SFEDS). Benefits to filing online include on-screen help to assist you with completing the forms, entry of your information once and simple modification of your next filing, and obtainment of copies of your previous filings by logging into your account at any time. Establish an account by sending your name, department, position, address, phone number, and email address to ethics.commission@sfgov.org. *An unsigned statement is not considered filed under the Fair Political Practices Commission's rules. You must print out the SEI that you generated and filed in the electronic filing system and send the document to the Ethics Commission with an original signature.* If you are interested in e-filing your SEI, please read the instructions on e-filing.

2) Sunshine Ordinance and Certificate of Ethics Trainings (AB 1234) and Declaration Forms

a) Sunshine Training

All City officers and employees who file Statements of Economic Interests ("SEIs") with the San Francisco Ethics Commission must annually declare that they have **read and have been or will be trained on the Sunshine Ordinance**, by filing the Sunshine Ordinance Declaration form with the Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, California 94102. A filer who assumes office must file this form within 30 days of the date that he or she is sworn in or assumes employment. All other officers and employees must file the completed form no later than April 1, 2009.

For 2009, you may satisfy the training requirement by watching the self-study Sunshine Ordinance portion of the "Rules of Conduct for Public Officials" training video from the City Attorney's Office at www.sfgov.org/cityattorney (direct link to the training video: http://sanfrancisco.granicus.com/MediaPlayer.php?publish_id=281) and reading the Sunshine Ordinance which can be found at this link: http://www.sfgov.org/site/sunshine_page.asp?id=34495. After completion of these requirements, please fill out the Sunshine Ordinance Declaration form which can be downloaded from the Ethics Commission's website at www.sfgov.org/ethics. Click on "Forms Center," "Sunshine Ordinance," and then "Sunshine Ordinance Declaration – 2009 Form. Submit the completed form along with your Form 700 to the Commission Secretary at the March 24, 2009 Commission meeting.

b) Certificate of Ethics Training (AB 1234)

All City officers who are required to file Statements of Economic Interests ("SEIs") with the Ethics Commission must receive ethics training under California Government Code section 53235 (AB 1234) within one year of assuming office and again within two years of the prior training. The training can be found at the same link as the Sunshine Ordinance training and is the second half of the training: www.sfgov.org/cityattorney (direct link to the training video:

http://sanfrancisco.granicus.com/MediaPlayer.php?publish_id=281. Please file the Certificate of Ethics Training Declaration form (**attached**) with the Ethics Commission, and retain an Ethics Commission date-stamped copy of this form for a minimum of five years. These certificates are public records maintained at the Ethics Commission. Submit the completed form along with your Form 700 to the Commission Secretary at the March 24, 2009 Commission meeting, and I will obtain a date-stamped copy to send you for your records.

If you have any questions on how to complete your forms, please do not hesitate to call me at (415) 355-3709.

Attachments: Commissioner Training Information
Certificate of Ethics Training Declaration Form
Sunshine Ordinance Declaration Form
FPPC Form 700



Statement of Economic Interests (SEI) Training for Commissioners, Board Members, Elected Officials, and Department Heads

Training Dates:

Wednesday, March 18, 2009
10:30 AM to 12:00 PM
City Hall, Room 408
(Please R.S.V.P. by 3/13/09.)

Thursday, March 26, 2009
11:30 AM to 1:00 PM
City Hall, Room 416
(Please R.S.V.P. by 3/23/09.)

What is the purpose of the Statement of Economic Interests (SEI) Training?

Commissioners, Board Members, Elected Officials, and Department Heads in San Francisco are required to disclose their financial interests with the Ethics Commission by filing a Form 700: Statement of Economic Interests (SEI) annually or within 30 days of assuming and leaving office. This training will provide guidance on completing the SEI, Sunshine Ordinance Declaration, and Certificate of Ethics Training forms.

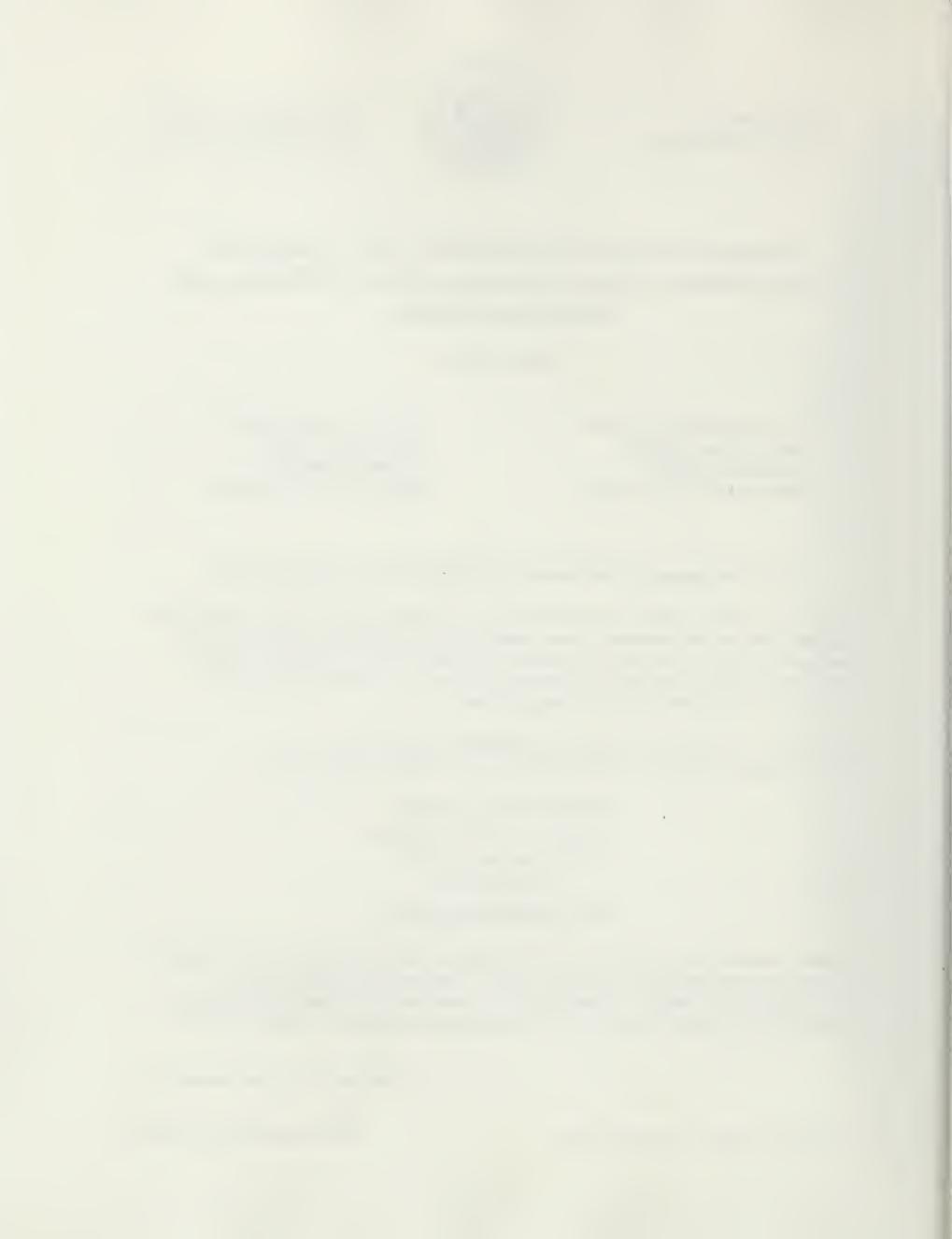
Part I: Form 700: SEI (understanding each schedule of the Form 700)

Part II: Sunshine Ordinance Declaration and Certificate of Ethics Training Forms

Please R.S.V.P by contacting:

San Francisco Ethics Commission
25 Van Ness Ave., Suite 220
(415) 252-3100
ethics.commission@sfgov.org

***Please note that you must R.S.V.P. for this training so that we can produce exactly enough handouts for the training to reduce paper waste. We also require a R.S.V.P. to seat all participants comfortably. The meeting will be cancelled if there is insufficient interest. Therefore, if you wish to attend, please sign up no later than the dates mentioned above. ***



Instructions for Viewing Ethics Training video

1. Open a web browser
2. Enter the following web address: www.sfgov.org/cityattorney
3. Under Good Government Guide & Sunshine Resources, click on *Rules of Conduct for Public Officials*
4. View Ethics Training video

SFGov: Office of the City Attorney - Windows Internet Explorer

http://www.sfgov.org/sanctuary_index.asp

File Edit View Favorites Tools Help

SFGov: Office of the City Attorney

V 4.0 X

Favorites Page Tools

California Supreme Court's decision to legalize gay marriage by Susan Kostal
(Photograph by Lenny Gonzalez).



TAKING A STAND: "Doing what we can do to ensure civil rights for everyone is not something we are going to back away from," San Francisco City Attorney Dennis Herrera says of same-sex marriage. Read the *Los Angeles Times* profile by Lee Romney.



The City Attorney's Good Government Guide for 2007-08 (PDF, 1.1 MB) and the accompanying Good Government Guide Supplement (PDF, 1.1 MB) are available to download online.

And that's not all: the City Attorney's Office has made available online an entire panoply of Sunshine & Good Government Resources, including archived editions of the Good Government Guide.

Francisco by requesting modifications to a July 2007 court order that generally prohibits the City from implementing its 2004 Bike Plan until it has fully evaluated possible environmental impacts. Leading the list of proposed safety improvements is the Market and Octavia intersection, where cyclists have suffered an alarming increase in collisions with cars.

- Read the City Attorney's news release on the request for modification of the bike plan injunction (Dec. 1, 2008)
- Download the PDF of the City Attorney's motion and supporting evidence together with the news release (Dec. 1, 2008)
- Download the PDF of significant court documents from CAR vs. City and County of San Francisco.
- Visit the SPTIA's Bike Plan Page for more information on the status of the environmental impact report currently underway.



The City and County of San Francisco, the City of Los Angeles and the County

SFGov: Office of the City Attorney - Windows Internet Explorer

http://www.sfgov.org/site/cityattorney_index.asp

File Edit View Favorites Tools Help

SFGov: Office of the City Attorney

Sunshine Resources

The City Attorney's Good Government Guide for 2007-08 [PDF, 1.11 MB] and the accompanying Good Government Guide Supplement [PDF, 1.1 MB] are available to download online.

And that's not all: the City Attorney's Office has made available online an entire panoply of Sunshine & Good Government Resources, including archived editions of the Good Government Guide.

Officials can comply with the San Francisco Sunshine Ordinance and AB 1234 by visiting our Sunshine and Good Government Resources page. The resources page includes the online training video of *Rules of Conduct for Public Officials 2005*. Officials can fulfill their annual Sunshine training requirement by watching the Sunshine portion of the video. Officials can also fulfill their biennial ethics training requirement under state law (AB 1234) by watching the entire video and completing the Self-Study Test for 2008.

To comply with the Sunshine Ordinance, each official must submit a *Sunshine Ordinance Declaration* by April 1 (or, for newly appointed officials, within 30 days of assuming office) to the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220 in San Francisco. Each official also must submit a *Certificate of Status Training*.

status of the environmental impact report currently underway:



Equal protection at stake in Proposition 8 litigation

The City and County of San Francisco, the City of Los Angeles and the County of Santa Clara have sued to invalidate Proposition 8, an initiative constitutional amendment that intends to deprive gay and lesbian citizens of their fundamental right to marry in California. Said Herrera: "If allowed to stand, Prop 8 so devastates the principle of equal protection that it endangers the fundamental rights of any potential electoral minority – even for protected classes based on race, religion, national origin and gender."

- Read the City Attorney's News Release (Nov. 5, 2008)
- Download the PDF of the petition for a writ of mandate to invalidate Prop 8 (Nov. 5, 2008)



SFGTV San Francisco Cable Channel 26 - Windows Internet Explorer

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SFGTV San Francisco Cable Channel 26

Document

RULES OF CONDUCT FOR
PUBLIC OFFICIALS

City of San Francisco

2008

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3.

San Francisco Ethics Commission
25 Van Ness Avenue, Suite 220
San Francisco, CA 94102
Phone: (415) 252-3100
Fax: (415) 252-3112
Email: ethics.commission@sfgov.org
Web: www.sfgov.org/ethics



For S.F. Dept.

Sunshine Ordinance Declaration

Sunshine Ordinance Training (S.F. Admin. Code § 67.33)

All City officers and employees who file Statements of Economic Interests ("SEIs") with the San Francisco Ethics Commission must annually declare that they have read and have been or will be trained on the Sunshine Ordinance, by filing this form with the Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, California 94102. A filer who assumes office must file this form within 30 days of the date that he or she is sworn in or assumes employment. All other officers and employees must file the completed form no later than April 1, 2009. For 2009, you may satisfy the training requirement by watching the self-study Sunshine Ordinance portion of the "Rules of Conduct for Public Officials" training video from the City Attorney's Office at www.sfgov.org/cityattorney.

The completed declarations are public records. Please retain a copy of your completed form for your records for at least five years. If you have questions, please contact the Ethics Commission.

Sunshine Ordinance Training Requirements:

By signing below, I certify under penalty of perjury that:

- I have read the Sunshine Ordinance, **and**
- I have satisfied or will satisfy the Sunshine Ordinance training requirements by completing a self-study training course prepared by the City Attorney's Office, which

includes completion of a self-study test, on _____.
(Insert date)

I acknowledge that this training must be completed by December 31, 2009.

Name (print) _____

Title (print) _____

Name of agency, department, board or commission (print) _____

Signature and Date _____

S:\Sunshine Ordinance\2008\sunshine declaration 2009.doc



San Francisco Ethics Commission
25 Van Ness Avenue, Suite 220
San Francisco, CA 94102
Phone: (415) 252-3100
Fax: (415) 252-3112
Email: ethics.commission@sfgov.org
Web: www.sfgov.org/ethics



For SFC use

Certificate of Ethics Training

(California Government Code § 53235 (AB 1234))

All City officers who are required to file Statements of Economic Interests ("SEIs") with the Ethics Commission must receive ethics training under California Government Code section 53235 (AB 1234) within one year of assuming office and again within two years of the prior training. *Please fill out the information below, file this form with the Ethics Commission, and retain an Ethics Commission date-stamped copy of this form for a minimum of five years. These certificates are public records maintained at the Ethics Commission.*

Please review the following to determine when you must complete the training:

- If you were in office and completed training in 2008, you must complete another ethics training session within two years of your last training. For example, if you satisfied the training requirement by attending the City Attorney's live ethics presentation on March 3, 2008, you must complete another ethics training session by March 2, 2010.
- If you have more recently assumed office, you are required to complete ethics training within one year of the date that you began your service. For example, if you assumed office on July 1, 2008, you must complete an ethics training session by June 30, 2009. You may satisfy this training requirement by watching the self-study "Rules of Conduct for Public Officials" training video that is available on the City Attorney's website at www.sfgov.org/cityattorney.

By signing below, I certify under penalty of perjury that:

I am in compliance with the ethics training requirement under California Government Code section 53235 (AB 1234) because I have: *(Please check applicable box.)*

- Completed a self-study training course prepared by the City Attorney's Office, which included completion of a self-study test on _____.
Insert date
- Completed a self-study training course prepared by another entity that complies with standards recommended by the Fair Political Practices Commission and the California Attorney General. I completed this course on _____.
Insert date *Please attach a copy of the certificate of training.*

Name (print) _____

Title (print) _____

Name of agency, department, board or commission (print) _____

Signature and Date _____

S:\Sunshine Ordinance\AB1234\2009\AB1234 certificate 2009.doc



2008/2009

FORM 700

Statement of Economic Interests

Also available on the FPPC website:
Form 700 Reference Pamphlet

a public document

Fair Political Practices Commission

428 J Street, Suite 620 • Sacramento, CA 95814
Toll-Free Advice Line: 866-ASK-FPPC • (866) 275-3772
Telephone: (916) 322-5660
www.fppc.ca.gov

What's New

- Gift limit increased to \$420.
- New restrictions on receiving tickets to nonprofit and political fundraisers.

More information is in the Reference Pamphlet.

Who must file:

- Elected and appointed officials and candidates listed in Government Code Section 87200.
- Employees and appointed officials filing pursuant to a conflict-of-interest code. Obtain your disclosure categories, which describe the interests you must report, from your agency. They are not part of the Form 700.
- Candidates running for local elective offices that are designated in a conflict-of-interest code (for example, county sheriffs, city clerks, school board trustees, and water board members).
- Members of newly created boards and commissions not yet covered under a conflict-of-interest code.

(See Form 700 Reference Pamphlet, page 2, at www.fppc.ca.gov or obtain from your filing officer.)

Where to file:

87200 Filers

State offices	⦿ Your agency
Judicial offices	⦿ The clerk of your court
Retired Judges	⦿ Directly with FPPC
Legislative Staff	⦿ Directly with FPPC
County offices	⦿ Your county filing official
City offices	⦿ Your city clerk
Multi-County offices	⦿ Your agency

Members of Boards/Commissions of Newly Created Agencies:

File with your newly created agency or with your agency's code reviewing body as provided by the code reviewing body.

Code Filers — State and Local Officials and Employees Designated in a Conflict-of-Interest Code:

File with your agency, board, or commission unless otherwise specified in your agency's conflict-of-interest code. In most cases, the agency, board, or commission will retain the statements.

Candidates file with their local elections office.

How to file:

A Form 700 should be provided to you by your filing official. An interactive version of the Form 700 is available on our website at www.fppc.ca.gov.

You only have to report investments and business positions in business entities, real property, and income from sources that are located in or doing business in your agency's jurisdiction. However, reportable gifts must be disclosed regardless of the jurisdiction. See Form 700 Ref. Pamphlet, page 12, for more information.

When to file:

Annual Statements

⦿ March 2, 2009*

- Elected State Officers
- Judges and Court Commissioners
- State Board/Commission Members listed in Government Code Section 87200

⦿ April 1, 2009

- Most other filers

Individuals filing under conflict-of-interest codes in city and county jurisdictions should verify the annual filing date with their local filing officer.

*Because March 1 is a Sunday, the deadline is extended. Statements postmarked by the filing deadline are considered timely filed.

Assuming, Leaving, and Initial Statements

Most filers file within 30 days of assuming or leaving office or within 30 days of the effective date of a newly adopted or amended conflict-of-interest code.

Candidate Statements

File no later than the final filing date for the declaration of candidacy or nomination documents.

Amendments

Statements may be amended at any time. You are only required to amend the schedule that needs to be revised. It is not necessary to amend the entire filed form. Obtain amendment schedules from your filing official or interactively at www.fppc.ca.gov.

Statements that are mailed are considered filed on the postmark date. There is no provision for filing deadline extensions. Statements of 30 pages or less may be faxed by the deadline as long as the originally signed paper version is sent by first class mail to the filing officer within 24 hours.

INTRODUCTION

The Political Reform Act (Gov. Code Sections 81000-91014) requires most state and local government officials and employees to publicly disclose their personal assets and income. They also must disqualify themselves from participating in decisions which may affect their personal economic interests. The Fair Political Practices Commission (FPPC) is the state agency responsible for issuing the attached Statement of Economic Interests, Form 700, and for interpreting the law's provisions.

Gift Prohibition

Gifts received by most state and local officials, employees, and candidates are subject to limit. For 2007-2008, the gift limit was \$390 from a single source during a calendar year. For 2009-2010, the limit increased to \$420 from a single source during a calendar year.

In addition, state officials, state candidates, and certain state employees are subject to a \$10 limit per calendar month on gifts from lobbyists and lobbying firms registered with the Secretary of State. (See Ref. Pamphlet, page 9, for detailed information.)

State and local officials and employees also should check with their agency to determine if any other restrictions apply.

Honorarium Ban

Most state and local officials, employees, and candidates are prohibited from accepting an honorarium for any speech given, article published, or attendance at a conference, convention, meeting, or like gathering. (See Ref. Pamphlet, page 9, for detailed information.)

Loan Restrictions

Certain state and local public officials are subject to restrictions on loans. (See Ref. Pamphlet, page 13, for detailed information.)

Disqualification

Public officials are, under certain circumstances, required to disqualify themselves from making, participating in, or attempting to influence governmental decisions that will affect their economic interests. This may include interests they are not required to disclose (for example, a personal residence is often not reportable, but may be disqualifying). Specific disqualification requirements apply to 87200 filers (for example, city councilmembers, members of boards of supervisors and planning commissioners). These officials must orally identify the economic interest that creates a conflict of interest and leave the room before a discussion or vote takes place at a public meeting. For more information, consult Government Code Section 87105 and Regulation 18702.5, or refer to the booklet entitled "Can I Vote? Conflicts of Interest Overview," all of which are available on the FPPC website. Visit www.fppc.ca.gov and click on the Library & Publications icon.

Post-Governmental Employment

There are restrictions on representing clients or employers before former agencies. The provisions apply to elected state officials, most state employees, local elected officials, county chief administrative officers, city managers, including the chief administrator of a city, and general managers or chief administrators of local special districts. The FPPC website has fact sheets explaining the provisions.

Late Filing

The filing officer who retains originally signed statements of economic interests may impose on an individual a fine for any statement that is filed late. The fine is \$10 per day up to a maximum of \$100. Late filing penalties can be reduced or waived under certain circumstances.

Persons who fail to timely file their Form 700 may be referred to the FPPC's Enforcement Division (and, in some cases, to the Attorney General or district attorney) for investigation and possible prosecution. In addition to the late filing penalties, a fine of up to \$5,000 per violation may be imposed.

For assistance concerning reporting, prohibitions, and restrictions under the Act:

- Call the FPPC toll-free at (866) ASK-FPPC.
- See the booklet entitled "Your Duty to File: A Basic Overview of State Economic Disclosure Law and Reporting Requirements for Public Officials."

Form 700 Public Access

Statements of Economic Interests are public documents. The filing officer must permit any member of the public to inspect and copy any statement.

- Forms must be available as soon as possible during the agency's regular business hours, but in any event not later than the second business day after the statement is received.
- No conditions may be placed on persons seeking access to the forms.
- No information or identification may be required from persons seeking access.

Reproduction fees of no more than 10 cents per page may be charged.

INSTRUCTIONS — COVER PAGE

Enter your name, mailing address, and daytime telephone number in the spaces provided. Because the Form 700 is a document available for public review, you may list your business/office address instead of your home address.

Part 1. Office, Agency, or Court

- Enter the name of the office sought or held, or the agency or court. Consultants must enter the public agency name rather than their private firm name. (Examples: State Assembly; Board of Supervisors; Office of the Mayor; Department of Finance; Hope County Superior Court.)
- Indicate the name of your division, board, or district, if applicable. (Examples: Division of Waste Management; Board of Accountancy, District 45.)
- Enter your position title. (Examples: Director; Chief Counsel; City Council Member; Staff Services Analyst.)
- If you hold multiple positions (for example, a city council member who also is a member of a county board or commission), you may be required to file statements with each agency.

To simplify your filing obligations, you may complete an expanded statement.

To do this, enter the name of the other agency(ies) with which you are required to file and your position title(s) in the space provided. Attach an additional sheet if necessary. Complete one statement covering the disclosure requirements for all positions. Each copy must contain an original signature. Therefore, before signing a statement, make a copy for each agency. Sign each copy with an original signature and file with each agency.

Remember that if you assume or leave a position after a filing deadline, you must complete a separate statement. For example, a city council member who assumes a position with a county special district after the April 1 annual filing deadline must file a separate assuming office statement. In subsequent years, the city council member may expand his or her annual filing to include both positions.

Part 2. Jurisdiction of Office

- Check the box indicating the jurisdiction of your agency and, if applicable, identify the jurisdiction. Judges, judicial candidates, and court commissioners have statewide jurisdiction. All other filers should review Ref. Pamphlet, page 12, to determine their jurisdiction.
- If your agency is a multi-county office, list each county in which your agency has jurisdiction.

- If your agency is not a state office, court, county office, city office, or multi-county office (for example, school districts and special districts), check the "other" box and enter the county or city in which the agency has jurisdiction.

Example:

This filer is a member of a water district board with jurisdiction in portions of Yuba and Sutter County.

1. Office, Agency, or Court Name of Office, Agency, or Court South Sutter Water District Division Board, District, if applicable
Your Position Board member <input type="checkbox"/> I am a judge for multiple counties. (If applicable, attach a separate sheet if necessary.) Agency Position
2. Jurisdiction of Office (Check at least one box) <input type="checkbox"/> State <input type="checkbox"/> City of <input type="checkbox"/> City of <input type="checkbox"/> Multi-County <input checked="" type="checkbox"/> Other Portions of Yuba & Sutter County

Part 3. Type of Statement

Check at least one box. The period covered by a statement is determined by the type of statement you are filing. If you are completing a 2008 Annual Statement, do not change the pre-printed dates to reflect 2009. Your annual statement is used for reporting the previous year's economic interests. Economic interests for your annual filing covering January 1, 2008, through December 31, 2008, will be disclosed on your statement filed in 2009. (See Ref. Pamphlet, page 3, for detailed information about types of statements.)

Combining Statements: Certain types of statements may be combined. For example, if you leave office after January 1 but before the deadline for filing your annual statement, you may combine your annual and leaving office statements. File by the earliest deadline. Consult your filing officer or the FPPC.

Part 4. Schedule Summary

- Enter the total number of completed pages including the cover page and, either:

Check the "Yes" box for each schedule you use to disclose interests.

- or -

If you have nothing to disclose on any schedules, check the "No reportable interests" box. Please do not attach any blank schedules.

Part 5. Verification

Complete the verification by signing the statement and entering the date signed. When you sign your statement, you are stating, under penalty of perjury, that it is true and correct. Only the filer has authority to sign the statement. An unsigned statement is not considered filed and you may be subject to late filing penalties.

STATEMENT OF ECONOMIC INTERESTS

Date Received
Official Use Only

COVER PAGE

A Public Document

Please type or print in ink.

NAME (LAST)	(FIRST)	(MIDDLE)	DAYTIME TELEPHONE NUMBER ()	
MAILING ADDRESS (May use business address)	STREET	CITY	STATE	ZIP CODE
				OPTIONAL: FAX / E-MAIL ADDRESS

1. Office, Agency, or Court

Name of Office, Agency, or Court:

Division, Board, District, if applicable:

Your Position:

► If filing for multiple positions, list additional agency(ies)/position(s): (Attach a separate sheet if necessary.)

Agency:

Position:

2. Jurisdiction of Office (Check at least one box)

- State
- County of _____
- City of _____
- Multi-County _____
- Other _____

3. Type of Statement (Check at least one box)

- Assuming Office/Initial Date: ____/____/____
- Annual: The period covered is January 1, 2008, through December 31, 2008.
-OR-
 The period covered is ____/____/____, through December 31, 2008.
- Leaving Office Date Left: ____/____/____
(Check one)
The period covered is January 1, 2008, through the date of leaving office.
-OR-
 The period covered is ____/____/____, through the date of leaving office.
- Candidate Election Year: _____

4. Schedule Summary

- Total number of pages including this cover page: _____
- Check applicable schedules or "No reportable interests."
I have disclosed interests on one or more of the attached schedules:

Schedule A-1 Yes – schedule attached
Investments (Less than 10% Ownership)

Schedule A-2 Yes – schedule attached
Investments (10% or greater Ownership)

Schedule B Yes – schedule attached
Real Property

Schedule C Yes – schedule attached
Income, Loans, & Business Positions (Income Other than Gifts and Travel Payments)

Schedule D Yes – schedule attached
Income – Gifts

Schedule E Yes – schedule attached
Income – Gifts – Travel Payments

-OR-

No reportable interests on any schedule

5. Verification

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date Signed _____
(month, day, year)Signature _____
(File the originally signed statement with your filing official.)

WHAT SCHEDULE DO I USE?

COMMON REPORTABLE INTERESTS

- Schedule A-1 Stocks
- Schedule A-2 Business entities, partnerships, LLCs, corporations, trusts
- Schedule B: Rental property in the jurisdiction
- Schedule C: Non-government salaries of public official and spouse/registered domestic partner
- Schedule D: Gifts from non-family members (such as tickets to sporting or entertainment events)
- Schedule E: Travel payments from third parties (not your employer)

COMMON NON-REPORTABLE INTERESTS

- Schedule A-1/A-2: Diversified mutual funds registered with the SEC under the Investment Company Act of 1940 and certain retirement accounts invested in insurance policies or governmental bonds
- Schedule A-1/A/2: Savings and checking accounts
- Schedule B: A residence used exclusively as a personal residence (such as a home, vacation cabin)
- Schedule C: Government salary (such as a school district)
- Schedule D: Gifts from family members
- Schedule E: Travel paid by your government agency

Remember: Mark the "no reportable interests" box on Part 4 of the schedule summary if you determine you have nothing to disclose and file the cover page only. **Make sure you carefully read all instructions to ensure proper reporting.**

The Form 700 is a public document.

Most individuals must consult the agency's conflict-of-interest code for reportable interests.

Most individuals file the Form 700 with their agency.

QUESTIONS AND ANSWERS

- Q. What is the reporting period for disclosing interests on an assuming office statement or a candidate statement?
- A. On an assuming office statement, disclose all reportable investments, interests in real property, and business positions held on the date you assumed office. In addition, you must disclose income (including loans, gifts and travel payments) received during the 12 months prior to the date you assumed office.

On a candidate statement, disclose all reportable investments, interests in real property, and business positions held on the date you file your declaration of candidacy. In addition, you must disclose income (including loans, gifts and travel payments) received during the 12 months prior to the date you file your declaration of candidacy.

- Q. I hold two other board positions in addition to my position with the county. Must I file three statements of economic interests?
- A. Yes. However, you may complete one statement listing the county and the two boards on the cover page of the Form 700 as the agencies for which you will be filing. Report your economic interests using the broadest jurisdiction and disclosure requirements assigned to you by the three agencies. Make two copies of the entire statement **before signing it**, sign each copy with an original signature, and distribute one original to the county and to each of the two boards. Remember to complete separate statements for positions that you leave or assume during the year.
- Q. I am classified as a department head but recently began acting as city manager. Should I file as the city manager?
- A. Yes. File an assuming office statement as city manager. Persons serving as "acting", "interim", or "alternate" must file as if they hold the position.
- Q. I left one state agency to work for another state agency. Must I file a leaving office statement?
- A. Yes.

Investment Disclosure

- Q. I have an investment interest in shares of stock in a company that does not have an office in my jurisdiction. Must I still disclose my investment interest in this company?
- A. Probably. The definition of "doing business in the jurisdiction" is not limited to whether the business has an office in your jurisdiction. See Ref. Pamphlet, page 12, for guidance.
- Q. My spouse and I have a living trust. The trust holds rental property in my jurisdiction, our primary residence, and investments in diversified mutual funds. I have full disclosure. How is this trust disclosed?
- A. Disclose the name of the trust, the rental property and its income on Schedule A-2. Your primary residence and investments in diversified mutual funds registered with the SEC are not reportable.
- Q. I am required to report all investments. I hold many stocks through an account managed by a brokerage firm. Must I disclose these stocks even though I did not decide which stocks to purchase?
- A. Yes, you must disclose on Schedule A-1 or A-2 any stock worth \$2,000 or more in a business entity located in or doing business in your jurisdiction.

Income Disclosure

- Q. I reported a business entity on Schedule A-2. Clients of my business are located in several states. Must I report all clients from whom my pro rata share of income is \$10,000 or more on Schedule A-2, Part 3?
- A. No, only the clients doing business on a regular basis in your jurisdiction must be disclosed.
- Q. I believe I am not required to disclose the names of clients from whom my pro rata share of income is \$10,000 or more on Schedule A-2 because of their right to privacy. Is there an exception for reporting clients' names?
- A. Regulation 18740 provides a procedure in which a client's name may not be disclosed if disclosure of the name would violate a legally recognized privilege under California law. This regulation may be obtained from our website at www.fppc.ca.gov.

QUESTIONS AND ANSWERS

Continued

- Q. I am the sole owner of my business. Where do I disclose my income - on Schedule A-2 or Schedule C?
- A. Sources of income to a business in which you have an ownership interest of 10% or greater are disclosed on Schedule A-2. (See Ref. Pamphlet, page 7, which defines "business entity," for more information.)
- Q. How do I disclose my spouse's or registered domestic partner's income from an employer?
- A. Report the name of the employer as a source of income on Schedule C.
- Q. I am a doctor. For purposes of reporting \$10,000 sources of income on Schedule A-2, Part 3, are the patients or their insurance carriers considered sources of income?
- A. If your patients exercise sufficient control by selecting you instead of other doctors, your patients, rather than their insurance carriers, are sources of income to you.

Gift Disclosure

- Q. If I received a gift of two tickets to a concert valued at \$100 each, but gave the tickets to a friend because I could not attend the concert, do I have any reporting obligations?
- A. Yes. Since you accepted the gift and exercised discretion and control of the use of the tickets, you must disclose the gift on Schedule D.
- Q. Co-workers are hosting a retirement party for a public official before the official leaves office. Attendees will pay \$45; \$35 covers the event's costs (food, decorations, etc.) and \$10 goes toward a gift. One co-worker is collecting the funds and making the expenditures. What does the official report on his Form 700?
- A. The official discloses the amount that includes the value of the gift, plus \$35 (his pro rata share of the event's cost). The source can be identified as "office staff" or "co-workers." The names of individual donors are not required to be reported as long as no individual contributed \$50 or more.

- Q. Mary and Joe Benson, a married couple, want to give a piece of artwork to a close friend who is a county supervisor. Is each spouse considered a separate source for purposes of the gift limit and disclosure?
- A. Yes, each spouse may make a gift valued at \$420 during 2009-2010. Therefore, the Bensons may give the supervisor artwork valued at no more than \$840. (During 2007-2008, the gift limit was \$390 from a single source during a calendar year.) The supervisor must identify Joe and Mary Benson as the source of the gift.

INSTRUCTIONS – SCHEDULES A-1 AND A-2 INVESTMENTS

"Investment" means a financial interest in any business entity which is located in, doing business in, planning to do business in, or which has done business during the previous two years in your agency's jurisdiction in which you, your spouse or registered domestic partner, or your dependent children had a direct, indirect, or beneficial interest totaling \$2,000 or more at any time during the reporting period. (See Ref. Pamphlet, page 12.)

Reportable investments include:

- Stocks, bonds, warrants, and options, including those held in margin or brokerage accounts and managed investment funds (See Ref. Pamphlet, page 12.)
- Sole proprietorships
- Your own business or your spouse's or registered domestic partner's business (See Ref. Pamphlet, page 7, for the definition of "business entity.")
- Your spouse's or registered domestic partner's investments that are legally separate property
- Partnerships (for example, a law firm or family farm)
- Investments in reportable business entities held in a retirement account (See Ref. Pamphlet, page 14.)
- If you, your spouse or registered domestic partner, or dependent children had a 10% or greater ownership interest in a business entity or trust (including a living trust), you must disclose investments held by the business entity or trust. (See Ref. Pamphlet, page 14, for more information on disclosing trusts.)
- Business trusts

You are not required to disclose:

- Diversified mutual funds registered with the Securities and Exchange Commission (SEC) under the Investment Company Act of 1940
- Bank accounts, savings accounts, and money market accounts
- Insurance policies
- Annuities
- Shares in a credit union
- Government bonds (including municipal bonds)
- Retirement accounts invested in non-reportable interests (for example, insurance policies, diversified mutual funds, or government bonds) (See Ref. Pamphlet, page 14.)

REMINDERS

- Do you know your agency's jurisdiction?
- Did you hold investments at any time during the period covered by this statement?
- Code filers – Your disclosure categories may only require disclosure of specific investments.

- Government defined-benefit pension plans
- Interests held in a blind trust (See Ref. Pamphlet, page 15.)

Use Schedule A-1 to report ownership of less than 10% (for example, stock). Schedule C (Income) may also be required if the investment is not a stock or corporate bond. (See second example below.)

Use Schedule A-2 to report ownership of 10% or greater (for example, a sole proprietorship).

TO COMPLETE SCHEDULE A-1:

Do not attach brokerage or financial statements.

- Disclose the name of the business entity.
- Provide a general description of the business activity of the entity (for example, pharmaceuticals, computers, automobile manufacturing, or communications).
- Check the box indicating the highest fair market value of your investment during the reporting period. If you are filing a candidate or an assuming office statement, indicate the fair market value on the filing date or the date you took office, respectively.
- Identify the nature of your investment (for example, stocks, warrants, options, or bonds).
- If you initially acquired or disposed of your entire investment interest during the reporting period, enter the date acquired or disposed.

Examples:

John Smith holds a state agency position. His conflict-of-interest code requires full disclosure of investments. John must disclose his stock holdings of \$2,000 or more in any company that does business in California, as well as those stocks held by his spouse or registered domestic partner and dependent children.

Susan Jones is a city council member. She has a 4% interest, worth \$5,000, in a limited partnership located in the city. Susan must disclose the partnership on Schedule A-1 and income of \$500 or more received from the partnership on Schedule C.

SCHEDULE A-1**Investments****Stocks, Bonds, and Other Interests**

(Ownership Interest is Less Than 10%)

Do not attach brokerage or financial statements.

CALIFORNIA FORM 700

FAIR POLITICAL PRACTICES COMMISSION

Name _____

► NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF BUSINESS ACTIVITY

FAIR MARKET VALUE

- \$2,000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT

- Stock

- Other _____

(Describe)

IF APPLICABLE, LIST DATE

_____/_____/08 _____/_____/08
ACQUIRED DISPOSED

► NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF BUSINESS ACTIVITY

FAIR MARKET VALUE

- \$2,000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT

- Stock

- Other _____

(Describe)

IF APPLICABLE, LIST DATE

_____/_____/08 _____/_____/08
ACQUIRED DISPOSED

► NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF BUSINESS ACTIVITY

FAIR MARKET VALUE

- \$2,000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT

- Stock

- Other _____

(Describe)

IF APPLICABLE, LIST DATE

_____/_____/08 _____/_____/08
ACQUIRED DISPOSED

Comments: _____

► NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF BUSINESS ACTIVITY

FAIR MARKET VALUE

- \$2,000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT

- Stock

- Other _____

(Describe)

IF APPLICABLE, LIST DATE

_____/_____/08 _____/_____/08
ACQUIRED DISPOSED

► NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF BUSINESS ACTIVITY

FAIR MARKET VALUE

- \$2,000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT

- Stock

- Other _____

(Describe)

IF APPLICABLE, LIST DATE

_____/_____/08 _____/_____/08
ACQUIRED DISPOSED

► NAME OF BUSINESS ENTITY

GENERAL DESCRIPTION OF BUSINESS ACTIVITY

FAIR MARKET VALUE

- \$2,000 - \$10,000 \$10,001 - \$100,000
 \$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT

- Stock

- Other _____

(Describe)

IF APPLICABLE, LIST DATE

_____/_____/08 _____/_____/08
ACQUIRED DISPOSED

INSTRUCTIONS — SCHEDULE A-2

INVESTMENTS, INCOME, AND ASSETS OF BUSINESS ENTITIES/TRUSTS

Use Schedule A-2 to report investments in a business entity or trust (including a living trust) in which you, your spouse or registered domestic partner, or your dependent children had a 10% or greater interest, totaling \$2,000 or more, during the reporting period and which is located in, doing business in, planning to do business in, or which has done business during the previous two years in your agency's jurisdiction. (See Ref. Pamphlet, page 12.) A trust located outside your agency's jurisdiction is reportable if it holds assets that are located in or doing business in the jurisdiction. You are not required to report a trust that contains no reportable interests. For example, if you have a trust containing only your personal residence, your savings account, and some municipal bonds, you would not report this trust because these interests are not reportable.

Also report on Schedule A-2 investments and real property held by that entity or trust if your pro rata share of the interest was \$2,000 or more during the reporting period.

TO COMPLETE SCHEDULE A-2:

Part 1. Disclose the name and address of the business entity or trust. If you are reporting an interest in a business entity, check "Business Entity" and complete the box as follows:

- Provide a general description of the business activity of the entity.
- Check the box indicating the fair market value of your investment.
- If you initially acquired or entirely disposed of this interest during the reporting period, enter the date acquired or disposed.
- Identify the nature of your investment.
- Disclose the job title or business position you held with the entity, if any (for example, if you were a director, officer, partner, trustee, employee, or held any position of management).

Part 2. Check the box indicating your **gross income**.

Gross income is the total amount of income before deducting expenses, losses, or taxes. (This includes your pro rata share of the **gross income to the business entity or trust**, as well as your community property interest in your spouse's or registered domestic partner's share.)

Part 3. Disclose the name of each source of income which is located in, doing business in, planning to do business in, or which has done business during the previous two years in your agency's jurisdiction, as follows:

- Disclose each source of income and outstanding loan to the **business entity or trust** identified in Part 1 if

your pro rata share of the gross income (including your community property interest in your spouse's or registered domestic partner's share) to the business entity or trust from that source was \$10,000 or more during the reporting period. (See Ref. Pamphlet, page 10, for examples.) Income from governmental sources may be reportable if not considered salary. (See Regulation 18232.) Loans from commercial lending institutions made in the lender's regular course of business on terms available to members of the public without regard to your official status are **not reportable**.

- Disclose each individual or entity that was a source of commission income of \$10,000 or more during the reporting period through the business entity identified in Part 1. (See Ref. Pamphlet, page 7, for an explanation of commission income.)

You may be required to disclose sources of income located outside your jurisdiction. For example, you may have a client who resides outside your jurisdiction who does business on a regular basis with you. Such a client, if a reportable source of \$10,000 or more, must be disclosed.

Leave Part 3 blank if you do not have any reportable \$10,000 sources of income to disclose. Adding phrases such as "various clients" or "not disclosing sources pursuant to attorney-client privilege" may trigger a request for an amendment to your statement. (See Ref. Pamphlet, page 13, for details about privileged information.)

Part 4. Report any investments or interests in real property held by the entity or trust identified in part 1 if your pro rata share of the interest held was \$2,000 or more during the reporting period.

- Check the applicable box identifying the interest held as real property or an investment.
- If investment, provide the name and description of the business entity.
- If real property, report the address or other precise location (for example, an assessor's parcel number).
- Check the box indicating the fair market value of your interest in the real property or investment. (Report the fair market value of the portion of your residence claimed as a tax deduction if you are utilizing your residence for business purposes.)
- Identify the nature of your interest.
- Enter the date acquired or disposed only if you initially acquired or entirely disposed of your interest in the property or investment during the reporting period.

SCHEDULE A-2
Investments, Income, and Assets
of Business Entities/Trusts
 (Ownership Interest is 10% or Greater)

CALIFORNIA FORM 700

FAIR POLITICAL PRACTICES COMMISSION

Name _____

► 1. BUSINESS ENTITY OR TRUST

Name _____

Address _____

Check one

Trust, go to 2

Business Entity, complete the box, then go to 2

GENERAL DESCRIPTION OF BUSINESS ACTIVITY

FAIR MARKET VALUE

- \$2,000 - \$10,000
- \$10,001 - \$100,000
- \$100,001 - \$1,000,000
- Over \$1,000,000

IF APPLICABLE, LIST DATE:

/ / 08 / / 08
ACQUIRED DISPOSED

NATURE OF INVESTMENT

- Sole Proprietorship
- Partnership
- Other

YOUR BUSINESS POSITION

► 2. IDENTIFY THE GROSS INCOME RECEIVED (INCLUDE YOUR PRO RATA SHARE OF THE GROSS INCOME TO THE ENTITY/TRUST)

- \$0 - \$499
- \$1,001 - \$10,000
- \$10,001 - \$100,000
- \$100,001 - \$1,000,000
- Over \$1,000,000

IF APPLICABLE, LIST DATE:

/ / 08 / / 08
ACQUIRED DISPOSED

► 3. LIST THE NAME OF EACH REPORTABLE SINGLE SOURCE OF INCOME OF \$10,000 OR MORE (attach a separate sheet if necessary)

► 4. INVESTMENTS AND INTERESTS IN REAL PROPERTY HELD BY THE BUSINESS ENTITY OR TRUST

Check one box

INVESTMENT

REAL PROPERTY

Name of Business Entity or

Street Address or Assessor's Parcel Number of Real Property

Description of Business Activity or

City or Other Precise Location of Real Property

FAIR MARKET VALUE

- \$2,000 - \$10,000
- \$10,001 - \$100,000
- \$100,001 - \$1,000,000
- Over \$1,000,000

IF APPLICABLE, LIST DATE:

/ / 08 / / 08
ACQUIRED DISPOSED

NATURE OF INTEREST

- Property Ownership/Deed of Trust
- Stock
- Partnership

Leasehold

Yrs remaining _____

Other _____

Check box if additional schedules reporting investments or real property are attached

Comments: _____

► 1. BUSINESS ENTITY OR TRUST

Name _____

Address _____

Check one

Trust, go to 2

Business Entity, complete the box, then go to 2

GENERAL DESCRIPTION OF BUSINESS ACTIVITY

FAIR MARKET VALUE

- \$2,000 - \$10,000
- \$10,001 - \$100,000
- \$100,001 - \$1,000,000
- Over \$1,000,000

IF APPLICABLE, LIST DATE:

/ / 08 / / 08
ACQUIRED DISPOSED

NATURE OF INVESTMENT

- Sole Proprietorship
- Partnership
- Other

YOUR BUSINESS POSITION

► 2. IDENTIFY THE GROSS INCOME RECEIVED (INCLUDE YOUR PRO RATA SHARE OF THE GROSS INCOME TO THE ENTITY/TRUST)

- \$0 - \$499
- \$1,001 - \$10,000
- \$10,001 - \$100,000
- \$100,001 - \$1,000,000
- Over \$1,000,000

► 3. LIST THE NAME OF EACH REPORTABLE SINGLE SOURCE OF INCOME OF \$10,000 OR MORE (attach a separate sheet if necessary)

► 4. INVESTMENTS AND INTERESTS IN REAL PROPERTY HELD BY THE BUSINESS ENTITY OR TRUST

Check one box

INVESTMENT

REAL PROPERTY

Name of Business Entity or

Street Address or Assessor's Parcel Number of Real Property

Description of Business Activity or

City or Other Precise Location of Real Property

FAIR MARKET VALUE

- \$2,000 - \$10,000
- \$10,001 - \$100,000
- \$100,001 - \$1,000,000
- Over \$1,000,000

IF APPLICABLE, LIST DATE:

/ / 08 / / 08
ACQUIRED DISPOSED

NATURE OF INTEREST

- Property Ownership/Deed of Trust
- Stock
- Partnership

Leasehold

Yrs remaining _____

Other _____

Check box if additional schedules reporting investments or real property are attached

**INSTRUCTIONS — SCHEDULE B
INTERESTS IN REAL PROPERTY**

Report interests in real property located in your agency's jurisdiction in which you, your spouse or registered domestic partner, or your dependent children had a direct, indirect, or beneficial interest totaling \$2,000 or more any time during the reporting period. (See Ref. Pamphlet, page 12.)

Interests in real property include:

- An ownership interest (including a beneficial ownership interest)
 - A deed of trust, easement, or option to acquire property
 - A leasehold interest (See Ref. Pamphlet, page 13.)
 - A mining lease
 - An interest in real property held in a retirement account (See Ref. Pamphlet, page 14.)
 - An interest in real property held by a business entity or trust in which you, your spouse or registered domestic partner, or your dependent children had a 10% or greater ownership interest (report on Schedule A-2)
 - Your spouse's or registered domestic partner's interests in real property that are legally held separately by him or her

You are not required to report:

- A residence, such as a home or vacation cabin, used exclusively as a personal residence (However, a residence for which you claim a business deduction may be reportable. If reportable, report the fair market value of the portion claimed as a tax deduction.)
 - Interests in real property held through a blind trust (See Ref. Pamphlet, page 15, for exceptions.)

TO COMPLETE SCHEDULE B:

- Report the address or other precise location (for example, an assessor's parcel number) of the real property.
 - Check the box indicating the fair market value of your interest in the property (regardless of what you owe on the property).
 - Enter the date acquired or disposed only if you initially acquired or entirely disposed of your interest in the property during the reporting period.
 - Identify the nature of your interest. If it is a leasehold, disclose the number of years remaining on the lease.

REMINDERS

- Income and loans already reported on Schedule B are not also required to be reported on Schedule C.
 - Code filers – Do your disclosure categories require disclosure of real property?

- If you received rental income, check the box indicating the gross amount you received.
 - If you had a 10% or greater interest in real property and received rental income, list the name of the source(s) if your pro rata share of the gross income from any single tenant was \$10,000 or more during the reporting period. If you received a total of \$10,000 or more from two or more tenants acting in concert (e.g., in most cases, this will apply to married couples), disclose the name of each tenant. Otherwise, leave this section blank.
 - Loans from a private lender that total \$500 or more and are secured by real property may be reportable. Reportable loans may be disclosed on Schedule B or Schedule C. Loans from commercial lending institutions made in the lender's regular course of business on terms available to members of the public without regard to your official status are not reportable.
 - Provide the name and address of the lender.
 - Describe the lender's business activity.
 - Disclose the interest rate and term of the loan. The term of a loan is the total number of months or years given for repayment of the loan at the time the loan was entered into. For variable interest rate loans, disclose the conditions of the loan (for example, Prime + 2) or the average interest rate paid during the reporting period.
 - Check the box indicating the highest balance of the loan during the reporting period.
 - Identify a guarantor, if applicable.

If you have more than one reportable loan on a single piece of real property, report the additional loan(s) on Schedule C.

Example:

Joe Nelson is a city planning commissioner. Joe received rental income of \$12,000 during the reporting period from a single tenant who rented property Joe owned in the city's jurisdiction. If Joe had received the \$12,000 from two or more tenants, the tenants' names would not be required as long as no single tenant paid \$10,000 or more.

JAMES F. MCGEE AND PARTNER LTD-AK	
4600 24th Street	
CYT	
Sacramento, CA 95814	
MAIL ADDRESS VALUE: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
TELEPHONE NUMBER: <input checked="" type="checkbox"/> (408) 955-0600 <input type="checkbox"/> (408) 955-0601	
FAX NUMBER: <input checked="" type="checkbox"/> (408) 955-0600 <input type="checkbox"/> (408) 955-0601	
E-MAIL ADDRESS: <input checked="" type="checkbox"/> James.McGee@jamesmcgee.com <input type="checkbox"/> James.McGee@jamesmcgee.net	
NAME OF ATTORNEY: <input checked="" type="checkbox"/> James F. McGee, Esq. <input type="checkbox"/> Daniel J. O'Farrell, Esq.	
DISBARRED FROM PRACTICE: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
DATE DISBARRED: <input type="checkbox"/> 01/01/1990 <input checked="" type="checkbox"/> 01/01/1990	
REASON FOR DISBARMENT: <input type="checkbox"/> Disbarred by the State Bar of California <input checked="" type="checkbox"/> Disbarred by the State Bar of California and the California Court of Appeals	
REASONS FOR SUSPENSION: <input type="checkbox"/> None <input checked="" type="checkbox"/> Disbarred by the State Bar of California and the California Court of Appeals	
SOURCES OF LEGAL KNOWLEDGE: <input checked="" type="checkbox"/> I have a 90% or greater interest in the field of practice listed in a single source or sources of legal knowledge.	
Henry Wells	
NAME OR LEGEND: <input checked="" type="checkbox"/> Sophia Petrello <input type="checkbox"/> Jennifer Petrello	
2121 Blue Sky Parkway	
BROOKLYN, NY 11235-4200	
Restaurant Owner	
ADDRESS DATE: <input checked="" type="checkbox"/> 08-01-2004 <input type="checkbox"/> 08-01-2005	
TERM (Check One): <input checked="" type="checkbox"/> 15 Years <input type="checkbox"/> 20 Years	
HIGHEST EDUCATION: <input checked="" type="checkbox"/> BACHELOR'S DEGREE <input type="checkbox"/> HIGH SCHOOL GRADUATE	
EDUCATIONAL FIELD: <input checked="" type="checkbox"/> BUSINESS <input type="checkbox"/> LAW	
EDUCATIONAL INSTITUTION: <input checked="" type="checkbox"/> BROOKLYN COLLEGE <input type="checkbox"/> NEW YORK UNIVERSITY	
EDUCATIONAL GRADE: <input checked="" type="checkbox"/> HIGH SCHOOL GRADUATE <input type="checkbox"/> COLLEGE GRADUATE	

SCHEDULE B
Interests in Real Property
 (Including Rental Income)

CALIFORNIA FORM 700
 FAIR POLITICAL PRACTICES COMMISSION

Name _____

► STREET ADDRESS OR PRECISE LOCATION

CITY _____

FAIR MARKET VALUE

- \$2,000 - \$10,000
- \$10,001 - \$100,000
- \$100,001 - \$1,000,000
- Over \$1,000,000

IF APPLICABLE, LIST DATE:

____ / ____ / ____

ACQUIRED _____ DISPOSED _____

NATURE OF INTEREST

- Ownership/Deed of Trust
- Easement

Leasehold

Yrs. remaining _____

Other _____

IF RENTAL PROPERTY, GROSS INCOME RECEIVED

- \$0 - \$499
- \$500 - \$1,000
- \$1,001 - \$10,000
- \$10,001 - \$100,000
- OVER \$100,000

SOURCES OF RENTAL INCOME: If you own a 10% or greater interest, list the name of each tenant that is a single source of income of \$10,000 or more.

► STREET ADDRESS OR PRECISE LOCATION

CITY _____

FAIR MARKET VALUE

- \$2,000 - \$10,000
- \$10,001 - \$100,000
- \$100,001 - \$1,000,000
- Over \$1,000,000

IF APPLICABLE, LIST DATE:

____ / ____ / ____

ACQUIRED _____ DISPOSED _____

NATURE OF INTEREST

- Ownership/Deed of Trust
- Easement

Leasehold

Yrs. remaining _____

Other _____

IF RENTAL PROPERTY, GROSS INCOME RECEIVED

- \$0 - \$499
- \$500 - \$1,000
- \$1,001 - \$10,000
- \$10,001 - \$100,000
- OVER \$100,000

SOURCES OF RENTAL INCOME: If you own a 10% or greater interest, list the name of each tenant that is a single source of income of \$10,000 or more.

* You are not required to report loans from commercial lending institutions made in the lender's regular course of business on terms available to members of the public without regard to your official status. Personal loans and loans received not in a lender's regular course of business must be disclosed as follows:

NAME OF LENDER*

ADDRESS _____

BUSINESS ACTIVITY OF LENDER _____

INTEREST RATE

TERM (Months/Years)

% None

HIGHEST BALANCE DURING REPORTING PERIOD

- \$500 - \$1,000
- \$1,001 - \$10,000
- \$10,001 - \$100,000
- OVER \$100,000

Guarantor, if applicable

NAME OF LENDER*

ADDRESS _____

BUSINESS ACTIVITY OF LENDER _____

INTEREST RATE

TERM (Months/Years)

% None

HIGHEST BALANCE DURING REPORTING PERIOD

- \$500 - \$1,000
- \$1,001 - \$10,000
- \$10,001 - \$100,000
- OVER \$100,000

Guarantor, if applicable

Comments:

INSTRUCTIONS – SCHEDULE C
INCOME, LOANS, & BUSINESS POSITIONS
(Income Other Than Gifts and Travel Payments)

Report the source and amount of gross income of \$500 or more you received during the reporting period. Gross income is the total amount of income before deducting expenses, losses, or taxes and includes loans other than loans from a commercial lending institution. (See Ref. Pamphlet, page 10.) Also report your job title with each reportable business entity, even if you received no income during the reporting period. You must also report the source of income to your spouse or registered domestic partner if your community property share is \$500 or more during the reporting period.

A source of income must be reported only if the source is located in, doing business in, planning to do business in, or has done business during the previous two years in your agency's jurisdiction. (See Ref. Pamphlet, page 12, for more information about doing business in the jurisdiction.) Reportable sources of income may be further limited by your agency's conflict-of-interest code.

Commonly reportable income and loans include:

- Salary/wages, per diem, reimbursement for expenses including travel payments provided by your employer
- Community property interest (50%) in your spouse's or registered domestic partner's income - report the employer's name and all other required information
- Income from investment interests, such as partnerships, reported on Schedule A-1
- Commission income not required to be reported on Schedule A-2 (See Ref. Pamphlet, page 7.)
- Gross income from any sale, including the sale of a house or car (report your pro rata share of the total sale price)
- Rental income not required to be reported on Schedule B
- Prizes or awards not disclosed as gifts
- Payments received on loans you made to others, including loan repayments from a campaign committee
- An honorarium received prior to becoming a public official (See Ref. Pamphlet, page 9, concerning your ability to receive future honoraria.)
- Incentive compensation (See Ref. Pamphlet, page 11.)

REMINDERS

- Code filers – Your disclosure categories may not require disclosure of all sources of income.
- If you or your spouse or registered domestic partner are self-employed, report the business entity on Schedule A-2.
- Do not disclose on Schedule C income, loans, or business positions already reported on Schedules A-2 or B.

You are not required to report:

- Salary, reimbursement for expenses or per diem, social security, disability, or other similar benefit payments received by you or your spouse or registered domestic partner from a federal, state, or local government agency

See Ref. Pamphlet, page 11, for more exceptions to income reporting.

TO COMPLETE SCHEDULE C:

1. Income Received/Business Position Disclosure

- Disclose the name and address of each source of income or each business entity with which you held a business position.
- Provide a general description of the business activity if the source is a business entity.
- Disclose the job title or business position, if any, that you held with the business entity, even if you did not receive income during the reporting period.
- Check the box indicating the amount of gross income received.
- Identify the consideration for which the income was received.
- For income from commission sales, check the box indicating the gross income received and list the name of each source of commission income of \$10,000 or more. (See Ref. Pamphlet, page 7.)
- For income from rental property that is not required to be listed on Schedule B, enter "Rental Income" under "Name of Source," check the box indicating the gross income received, and, if you had a 10% or greater interest in the rental property, list the name of each tenant if your pro rata share of the gross income from that tenant was \$10,000 or more during the reporting period.

2. Loans Received or Outstanding During Reporting Period

- Disclose the name and address of each lender.
- Provide a general description of the business activity if the lender is a business entity.
- Check the box indicating the highest balance of the loan during the reporting period.
- Disclose the interest rate and the term of the loan.
 - The term of the loan is the total number of months or years given for repayment of the loan at the time the loan was entered into.
 - For variable interest rate loans, disclose the conditions of the loan (for example, Prime + 2) or the average interest rate paid during the reporting period.
- Identify the security, if any, for the loan.

SCHEDULE C
Income, Loans, & Business
Positions
(Other than Gifts and Travel Payments)

CALIFORNIA FORM 700
FAIR POLITICAL PRACTICES COMMISSION

Name _____

► **1. INCOME RECEIVED**

NAME OF SOURCE OF INCOME

ADDRESS _____

BUSINESS ACTIVITY, IF ANY, OF SOURCE

YOUR BUSINESS POSITION

GROSS INCOME RECEIVED

- | | |
|---|---|
| <input type="checkbox"/> \$500 - \$1,000 | <input type="checkbox"/> \$1,001 - \$10,000 |
| <input type="checkbox"/> \$10,001 - \$100,000 | <input type="checkbox"/> OVER \$100,000 |

CONSIDERATION FOR WHICH INCOME WAS RECEIVED

- | | |
|---|---|
| <input type="checkbox"/> Salary | <input type="checkbox"/> Spouse's or registered domestic partner's income |
| <input type="checkbox"/> Loan repayment | |

Sale of _____
(Property, car, boat, etc.)

Commission or Rental Income, list each source of \$10,000 or more

Other _____
(Describe)

► **1. INCOME RECEIVED**

NAME OF SOURCE OF INCOME

ADDRESS _____

BUSINESS ACTIVITY, IF ANY, OF SOURCE

YOUR BUSINESS POSITION

GROSS INCOME RECEIVED

- | | |
|---|---|
| <input type="checkbox"/> \$500 - \$1,000 | <input type="checkbox"/> \$1,001 - \$10,000 |
| <input type="checkbox"/> \$10,001 - \$100,000 | <input type="checkbox"/> OVER \$100,000 |

CONSIDERATION FOR WHICH INCOME WAS RECEIVED

- | | |
|---|---|
| <input type="checkbox"/> Salary | <input type="checkbox"/> Spouse's or registered domestic partner's income |
| <input type="checkbox"/> Loan repayment | |

Sale of _____
(Property, car, boat, etc.)

Commission or Rental Income, list each source of \$10,000 or more

Other _____
(Describe)

► **2. LOANS RECEIVED OR OUTSTANDING DURING THE REPORTING PERIOD**

- * You are not required to report loans from commercial lending institutions, or any indebtedness created as part of a retail installment or credit card transaction, made in the lender's regular course of business on terms available to members of the public without regard to your official status. Personal loans and loans received not in a lender's regular course of business must be disclosed as follows:

NAME OF LENDER*

INTEREST RATE

TERM (Months/Years)

_____ % None

ADDRESS _____

SECURITY FOR LOAN

- | | |
|-------------------------------|---|
| <input type="checkbox"/> None | <input type="checkbox"/> Personal residence |
|-------------------------------|---|

BUSINESS ACTIVITY, IF ANY, OF LENDER

Real Property

Street address

HIGHEST BALANCE DURING REPORTING PERIOD

- | |
|---|
| <input type="checkbox"/> \$500 - \$1,000 |
| <input type="checkbox"/> \$1,001 - \$10,000 |
| <input type="checkbox"/> \$10,001 - \$100,000 |
| <input type="checkbox"/> OVER \$100,000 |

City

Guarantor

Comments: _____

INSTRUCTIONS — SCHEDULE D INCOME — GIFTS

A gift is anything of value for which you have not provided equal or greater consideration to the donor. A gift is reportable if its fair market value is \$50 or more. In addition, multiple gifts totaling \$50 or more received during the reporting period from a single source must be reported. **Gifts are reportable regardless of where the donor is located.**

It is the acceptance of a gift, not the ultimate use to which it is put, that imposes your reporting obligation. Except as noted below, you must report a gift even if you never used it or if you gave it away to another person.

If the exact amount of a gift is unknown, you must make a good faith estimate of the item's fair market value. Listing the value of a gift as "over \$50" or "value unknown" is not adequate disclosure. In addition, if you received a gift through an intermediary, you must disclose the name, address, and business activity of both the donor and the intermediary.

Commonly reportable gifts include:

- Tickets/passes to sporting or entertainment events
- Tickets/passes to amusement parks
- Parking passes
- Food, beverages, and accommodations, including those provided in direct connection with your attendance at a convention, conference, meeting, social event, meal, or like gathering, where you did not give a speech, participate in a panel or seminar, or provide a similar service
- Rebates/discounts not made in the regular course of business to members of the public without regard to official status
- Wedding gifts (See Ref. Pamphlet, page 15, to determine value.)
- An honorarium (You may report an honorarium as income on Schedule C, rather than as a gift on Schedule D, if you provided services of equal or greater value than the payment received. See Ref. Pamphlet, page 9, regarding your ability to receive future honoraria.)
- Transportation and lodging (see Schedule E)
- Forgiveness of a loan received by you

You are not required to disclose:

- Gifts that were not used and which, within 30 days after receipt, were returned to the donor or delivered to a charitable organization without being claimed by you as a charitable contribution for tax purposes

REMINDERS

- Gifts from a single source are subject to limit. See Ref. Pamphlet, page 9.
- See Ref. Pamphlet, page 1, for new rules on tickets.
- Code filers – You only need to report gifts from reportable sources.

- Gifts from your spouse or registered domestic partner, child, parent, grandparent, grandchild, brother, sister, aunt, uncle, niece, nephew, or first cousin (Included in this exception are gifts from your spouse or domestic partner's children, parents, brothers, sisters, and the spouse or registered domestic partner of the individuals listed above. The exception does not apply if the donor was acting as an agent or intermediary for a reportable source who was the true donor.)
- Gifts of hospitality involving food, drink, or occasional lodging provided in an individual's home when the individual or a member of the individual's family was present
- Gifts of similar value exchanged between you and an individual, other than a lobbyist, on holidays, birthdays, or similar occasions
- Gifts of informational material provided to assist you in the performance of your official duties (for example, books, pamphlets, reports, calendars, periodicals, or educational seminars)
- A bequest or inheritance (However, inherited investments or real property may be reportable on other schedules.)
- Personalized plaques and trophies with an individual value of less than \$250
- Campaign contributions
- A single ticket to a 501(c)(3) or political fundraising event received for your own use from the organization or the committee holding the fundraiser (the gift limit applies to nonprofit tickets)
- Gifts given to members of your immediate family unless you enjoy direct benefit of the gift, use the gift, or exercise discretion or control over the use or disposition of the gift (See Commission Regulation 18944.)
- A pass or ticket that provided a one-time admission to an event (theater performance, sporting event) that was not used and was not transferred to another person (Commission Regulation 18946.1 provides a method for determining the value of a ticket or pass that was used or transferred to another person and for determining the value of passes or tickets which provide repeated admission to facilities or services.)
- Food, beverages, and necessary accommodations provided directly in connection with an event at which you gave a speech, participated in a panel or seminar, or provided a similar service

TO COMPLETE SCHEDULE D:

- Disclose the full name (not an acronym), address, and, if a business entity, the business activity of the source.
- Provide the date (month, day, and year) of receipt, and disclose the fair market value and description of the gift.

SCHEDULE D
Income – Gifts

CALIFORNIA FORM 700

FAIR POLITICAL PRACTICES COMMISSION

Name _____

► NAME OF SOURCE		
ADDRESS		
BUSINESS ACTIVITY, IF ANY, OF SOURCE		
DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
► NAME OF SOURCE		
ADDRESS		
BUSINESS ACTIVITY, IF ANY, OF SOURCE		
DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
► NAME OF SOURCE		
ADDRESS		
BUSINESS ACTIVITY, IF ANY, OF SOURCE		
DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
► NAME OF SOURCE		
ADDRESS		
BUSINESS ACTIVITY, IF ANY, OF SOURCE		
DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)

Comments:

INSTRUCTIONS – SCHEDULE E TRAVEL PAYMENTS, ADVANCES, AND REIMBURSEMENTS

Travel payments reportable on Schedule E include advances and reimbursements for travel and related expenses, including lodging and meals.

Gifts of travel may be subject to the gift limit. In addition, certain travel payments are reportable gifts, but are not subject to the gift limit. To avoid possible misinterpretation or the perception that you may have received a gift in excess of the gift limit, you may wish to provide a specific description of the purpose of your travel. See the FPPC fact sheet entitled "Limitations and Restrictions on Gifts, Honoraria, Travel, and Loans," which can be obtained from your filing officer or the FPPC website at www.fppc.ca.gov. Effective August 15, 2008, Regulation 18946.6 provides new valuation methods for gifts of air transportation.

You are not required to disclose:

- Travel payments received from any state, local, or federal government agency for which you provided services equal or greater in value than the payments received
- Travel payments received from your employer in the normal course of your employment that are included in the income reported on Schedule C
- Payments or reimbursements for transportation within California in connection with an event at which you gave a speech, participated in a panel or seminar, or performed a similar service
- Food, beverages, and necessary accommodations received directly in connection with an event held inside or outside California at which you gave a speech, participated in a panel, or provided a similar service (Note that payments for transportation outside of California are reportable.)
- A travel payment that was received from a non-profit entity exempt from taxation under Internal Revenue Code Section 501(c)(3) for which you provided equal or greater consideration

TO COMPLETE SCHEDULE E:

- Disclose the full name (not an acronym) and address of the source of the travel payment.
- Identify the business activity, if any, of the source.
- Check the box to identify the payment as a gift or income, report the amount, and disclose the date(s) if applicable.

- Travel payments are gifts if you did not provide services that were equal to or greater in value than the payments received. You must disclose gifts totaling \$50 or more from a single source during the period covered by the statement. Gifts of travel are reportable without regard to where the donor is located.

When reporting travel payments that are gifts, you must provide a description of the gift and the date(s) received.

- Travel payments are income if you provided services that were equal to or greater in value than the payments received. You must disclose income totaling \$500 or more from a single source during the period covered by the statement. You have the burden of proving the payments are income rather than gifts.

When reporting travel payments as income, you must describe the services you provided in exchange for the payment. You are not required to disclose the date(s) for travel payments that are income.

Example:

NAME OF SOURCE
League of California Cities
ADDRESS
1400 K Street, Suite 400
CITY AND STATE
Sacramento, CA
BUSINESS ACTIVITY, IF ANY, OF SOURCE
Association of city officials
DATES: 9/16/08 - 9/17/08 AND \$ 585.00
PURPOSE
TYPE OF PAYMENT (check one): <input type="checkbox"/> Gift <input checked="" type="checkbox"/> Income
DESCRIPTION: Travel reimbursement for board meeting

If Rick provides equal or greater consideration for the travel and lodging when he participates in the meeting, the reimbursements are reported as income. Note that the burden is on the official to determine whether he or she has provided equal or greater value for the payment.

SCHEDULE E
Income – Gifts
Travel Payments, Advances,
and Reimbursements

CALIFORNIA FORM **700**

FAIR POLITICAL PRACTICES COMMISSION

Name _____

- Reminder – you must mark the gift or income box.
- You are not required to report “income” from government agencies.

► NAME OF SOURCE

ADDRESS _____

CITY AND STATE _____

BUSINESS ACTIVITY, IF ANY, OF SOURCE _____

DATE(S) ____ / ____ - ____ / ____ AMT: \$ ____
(If applicable)

TYPE OF PAYMENT: (must check one) Gift Income

DESCRIPTION: _____

► NAME OF SOURCE

ADDRESS _____

CITY AND STATE _____

BUSINESS ACTIVITY, IF ANY, OF SOURCE _____

DATE(S) ____ / ____ - ____ / ____ AMT: \$ ____
(If applicable)

TYPE OF PAYMENT (must check one) Gift Income

DESCRIPTION: _____

► NAME OF SOURCE

ADDRESS _____

CITY AND STATE _____

BUSINESS ACTIVITY, IF ANY, OF SOURCE _____

DATE(S) ____ / ____ - ____ / ____ AMT: \$ ____
(If applicable)

TYPE OF PAYMENT: (must check one) Gift Income

DESCRIPTION: _____

► NAME OF SOURCE

ADDRESS _____

CITY AND STATE _____

BUSINESS ACTIVITY, IF ANY, OF SOURCE _____

DATE(S) ____ / ____ - ____ / ____ AMT: \$ ____
(If applicable)

TYPE OF PAYMENT (must check one) Gift Income

DESCRIPTION: _____

Comments: _____

CITY AND COUNTY OF SAN FRANCISCO
COMMISSION ON THE ENVIRONMENT

GOVERNMENT
DOCUMENTS DEPT

REGULAR MEETING
DRAFT MINUTES

FEB 13 2009

TUESDAY, JANUARY 27, 2009, 5:00 P.M.
City Hall, Room 416, San Francisco, CA 94102

SAN FRANCISCO
PUBLIC LIBRARY

COMMISSION MEMBERS: Commissioners Paul Pelosi Jr. (President), Ruth Gravanis (Vice-President), Angelo King, Darian Rodriguez Heyman, Jane MarieFrancis Martin, Matt Tuchow, Johanna Wald

ORDER OF BUSINESS

Public comment will be taken before the Commission takes action on any item.

1. **Call to Order and Roll Call.** The Commission on the Environment Meeting was called to order at 5:08 p.m. Present: President Paul Pelosi Jr., Vice-President Gravanis, Commissioners King, Martin, Tuchow (5:10 p.m.) and Wald. Excused: Commissioner Rodriguez Heyman
2. **Adoption of Minutes of the October 30, 2008 Commission Rescheduled Meeting and November 7, 2008 Commission Special Retreat Meeting.** (Discussion and Action) Upon Motion by Vice-President Gravanis and second by Commissioner Wald, the October 30, 2008 Commission Meeting Minutes were approved without objection (AYES: President Pelosi Jr., Vice-President Gravanis, Commissioners King, Martin, and Wald; Absent: Commissioners Rodriguez Heyman and Tuchow). Upon Motion by Commissioner Martin and second by Vice-President Gravanis, the November 7, 2008 Retreat Meeting Minutes were approved without objection (AYES: President Pelosi Jr., Vice-President Gravanis, Commissioners King, Martin, Tuchow and Wald; Absent: Commissioner Rodriguez Heyman) (Explanatory Documents: October 30, 2008 Approved Minutes http://sfgov.org/site/sfenvironment_page.asp?id=92872 and November 7, 2008 Approved Minutes http://sfgov.org/site/sfenvironment_page.asp?id=93937)
3. **Public Comments:** Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. There was no public comment at this time.
4. **Mandatory Recycling Ordinance Update.** (Explanatory Document: Mandatory Recycling Ordinance Draft (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/Mandatory%20PDF41.pdf>) Sponsor: Commission President Paul Pelosi Jr.; Staff Speaker: Mr. Robert Haley, Recycling Program Manager (Informational Report and Discussion). Mr. Haley reported that the Mandatory Recycling Ordinance was discussed at a Commission meeting previously and an effort was made to incorporate the Commissioner's and other comments. It was reported that Mayor Newsom introduced the Ordinance to the Board of Supervisors in November 2008, but because there was not a lot of meetings scheduled with the outgoing Supervisors and a lot of unfinished business, the item was not discussed. It has since been assigned to the Board of Supervisors Land Use Committee and has not yet been calendared. Mr. Haley reported that the Department will be meeting with the Board of Supervisors to explain the Ordinance and to request their support as well as to add co-sponsors. The Mayor's Office indicates that this issue is a priority for them and would be providing their assistance in scheduling meetings. It is hoped that the Board of Supervisors will take action soon.

Commissioner King inquired how this policy would be implemented in multi-family developments. Mr. Haley reported that meetings were held with the Apartment Association, the Coalition for Better Housing

and another property management association. It was explained that the Ordinance is focused on getting recycling and composting into large apartment buildings so there is access to the programs. Fines would not be issued for mixing items together in a multi-family situation because complete control is not available; however, if a place is unwilling to site the containers, fines can be discussed or a waiver can be applied for if there is lack of space. Commissioner King inquired whether a discussion was held with the Housing Authority. Mr. Haley reported that discussions are being held with the Housing Authority, and a project is being worked on in Sunnydale with the Housing Authority.

5. Green Holiday Tree Recycling Program. Sponsor: Commission President Paul Pelosi Jr.; Staff Speaker: Mr. Robert Haley, Recycling Program Manager (Informational Report and Discussion)

Mr. Haley reported that the Holiday Tree program has been in existence for decades and is working well. It was explained that there used to be drop off locations for trees, but the program has moved more toward curbside collection. A lot of outreach has been done, and about 500 to 600 tons have been collected per year. An effort has been made to compost the trees, but they are very acidic. The trees have been used for mulch, but they produce a lot of mulch at a specific time of year so it saturates the markets. Now most trees go to biomass—they are burned for energy. Education is being done on problem issues of plastic bags, stands, and tinsel. The Fire Department is involved with trees that get burned on the street which is also a problem. The recycling program is easy to implement, but does have a cost of at least \$100,000 per year. Research has been done to internalize the cost into the price of the trees, but a mechanism has not yet been identified.

Commissioner Martin inquired about the trees that are burned on the beach and whether the Department has issued an outreach message in support or not. Mr. Haley reported that the Fire Department keeps good records on tree-burning incidents and believes that there were over 100 trees burned, not a large amount considering the number of trees. It was explained that some people do burn them at a bon fire at the beach which is not ideal, but is not considered to be a huge environmental problem. Mr. Haley reported that the Department is taking no position on burning trees in a bon fire; but as far as burning them on the streets, work has been done with the Fire Department who is taking the lead.

Item 12 was heard before Item 6.

6. Status Update on Urban Forest Plan Requirements. Sponsor: Commissioner Jane Martin; **Green Holiday Tree and Landmark Tree Ordinance Programs.** Sponsor: Commission President Paul Pelosi Jr.; Staff Speaker: Ms. Mei Ling Hui, Urban Forestry Council Coordinator (Informational Presentation and Discussion)

Ms. Hui reported that the Urban Forest Master Plan was completed by the Urban Forestry Council and adopted in February 2006. In March 2007, the Council passed a Resolution of endorsement for the Planning Department to incorporate the Plan into the General Plan and to seek outside consultant support in improving the Plan. The Planning Department issued a Request for Proposal in January of 2008, contracts were signed with the consultant team at the end of June/beginning of July 2008, but work was stopped in November 2008 because of loss of funds. The Department of Environment has been trying to schedule a meeting with the Planning Department to see how to move the work forward.

Commissioner Martin inquired whether the Planning Department is required to have an Urban Forest Master Plan that is revised every five years as part of the Request for Proposal. Ms. Hui stated that she would research this question and report back. Commissioner Martin stated that if the work was mandated and pulled back because of a lack of funds, that another way to get the work done should be sought after. Acting Director Assmann reported that an effort would be made to resurrect the process as work had been done and cancelled halfway through the process. A meeting would be scheduled with the Planning

Department with the contractor that embarked on this process to try to find funding that the Planning Department does not have. A discussion will be held to determine the amount of work done to date in order to incorporate that into the General Plan and/or identify additional funding to do more work on the Plan to incorporate into the General Plan.

Ms. Hui reported that since the landmark tree process was legislated in 2006, the Urban Forestry Council held hearings on twenty-two tree nominations, and approved twelve trees for landmark tree status. Ten of these trees were approved by the Board of Supervisors, and there is one additional tree that may be introduced next Tuesday. A record of the total number of landmark trees is not available because before the process was legislated, the Department of Public Works (DPW) was landmarking trees within their jurisdiction so there are single and groups of trees landmarked. Now that the process has been legislated, trees are seen on an individual basis.

Commissioner Tuchow inquired whether the landmark tree nominations and program is owned by DPW. Ms. Hui reported that DPW regulates the permits for removal and care of the trees and is empowered to take action if trees are harmed. Ms. Hui stated that it is a DPW maintained program, but the Urban Forestry Council has influence on how the process moves forward. Commissioner Tuchow inquired how the Urban Forestry Council was involved in the process. Ms. Hui reported that there are five different nomination sources for landmark trees. The Landmark Tree Committee and the Urban Forestry Council will hold hearings after a tree is officially nominated. Depending upon the outcome of the Urban Forestry Council's vote, the process can either stop there or move to the Board of Supervisors and then the Board of Supervisors introduces an ordinance to landmark the tree, which is usually heard in Committee first and then before the full Board.

Ms. Hui reported that a lot of positive press has been received for the Department, the City, and Friends of the Urban Forest on the Holiday Tree program. Individuals can make a tax-deductible donation to Friends of the Urban Forest, a non-profit partner, to rent or borrow a holiday tree that is returned at the end of the Christmas season and is grown until it is large enough to plant in one of the Friends of the Urban Forest's community-based street tree plantings. The tree that is used substitutes a potted or traditional conifer and is the only such program in the world that she knows of. Ms. Hui stated that the closest program that she has found is people renting conifers that are planted in rural areas.

Commissioner King stated that the Urban Forestry Council has voiced their concern for mature trees being cut down as a process of development particularly in the Shipyard. It was stated that by the time someone files for a permit to cut down a tree, the fight may begin, but the pressure of development is already on. It was recommended that well before that process begins and permits have been applied for, that there should be outreach to community members to inspect the trees to determine whether any should be landmarked or saved. Ms. Hui reported that trees are protected by different agencies and organizations that have jurisdictional control over that area, e.g., the Recreation and Park Department protects their trees; DPW issues permits for removal of street, significant, and landmark trees. When trees are removed as part of development, a permit is applied to the agency that has jurisdiction over the tree. DPW does investigate and issue fines when trees are illegally removed.

Commissioner Martin stated that the City does not have a comprehensive approach to our urban forest. Our approach is that every property owner makes the decision about trees that happen to be or not to be on their property which is fundamentally different than an approach that would more readily provide a full and vibrant urban forest. It was explained that the Urban Forest Plan is the vehicle to start to move in a different direction, and something should be done to make it more comprehensive. The condition that we have as a result of different agencies having jurisdiction, is that it is left to individual property owners to make the decision to have or not to have a tree and how that tree is cared for. Commissioner Martin recommended using model language from other municipalities that address issues such as retention of

trees during development. Acting Director Assmann reported that one of the problems with city trees is that City government responsibility for trees is fragmented. It was explained that one of the few good things that is coming out of this budget crisis is a Consolidation Committee that is reviewing consolidation of functions and departments. One of the things under consideration is consolidating responsibilities for trees in one department which would help the urban forest and budget.

Public Comment:

Ms. Nancy Wuerfel thanked Commissioner Martin and King for their thoughts about trying to deal with preservation of trees during development early in the process and encouraged Acting Director Assmann to relay this conversation to the Planning Department. Ms. Wuerfel stated that she did not see a requirement in the Urban Forest Plan for a walk-through of natural resources that should be preserved as part of a large proposed development

Ms. Carolyn Blair (1) thanked Commissioners and Acting Director Assmann for their input; (2) invited Mr. Assmann to speak before the Urban Forestry Council about these issues; (3) stated that she had initiated a meeting with Planning staff and Lennar before all of the trees were cut down, but trees were removed anyway; (4) recommended that Commissioners access the Department's website that explains the landmark tree process; (5) stated that out of 700,000 trees, only 1% of large mature trees with a 22 inch trunk diameter are remaining; (6) described the emotional involvement that people have with trees especially when they are removed; (7) recommended that the Urban Forest Plan be implemented into the General Plan as it is now and then revised in the future as needed and/or consider eliminating some of the EDAW advisors that are costing money and replacing them with pro bono volunteers and/or members of the Urban Forestry Council with the same expertise that could provide advise. Acting Director Assmann reported that full advantage would be taken of any pro bono help particularly since the Planning Department does not have the funds they initially had to carry out this project. Ms. Blair asked why paid arborists are needed when there is a certified arborist on the Urban Forestry Council that would be free. Acting Director Assmann stated that free services would be considered.

Commissioner Martin stated that not only is the existence of a tree critical, but the care and maintenance should be performed by qualified people. It was explained that there is no current protection the way the Urban Forest Plan is now as it is left up to lay people who don't want the tree there in the first place. Commissioner Martin requested that her concerns be relayed to the Planning Department that there should be a different approach that results in a more comprehensive and even treatment of trees particularly as it relates to pruning. Commissioner King requested that there be an analysis of the skill level and number of people who are taking care of not only the mature trees, but the new trees that the City has planted. Ms. Blair stated that Ms. Carla Short, Urban Forester at the Department of Public Works would know the number of staff assigned to take care of City trees. Ms. Blair stated that she hopes that the Commission is capable of acquiring funding for DPW so that Ms. Short can hire people to take care of our City maintained trees. Ms. Blair explained that the Council hired David Binder to do a study on public private property maintained trees, and it was determined that the public agreed to the City taking care of all trees if the expense were to be relinquished. It was stated that this report can be accessed on the Urban Forestry Council's website.

Ms. Blair reported on questions from Board of Supervisors members on tree issues regarding responsibility for tree maintenance and cost, and how the Department should provide more information. Ms. Blair recommended improvements to the Urban Forestry Council's website that would provide better access to questions for the public, Board of Supervisors, and others. It was also stated that the Urban Forestry Council's website is listed in the Department of the Environment's website under "Policy" and should be listed in "Programs" or "Urban Forest."

Ms. Holly Kaufman stated that in 1994, she managed the Urban Forestry Task Force for Mayor Dianne Feinstein, and that the work was funded by San Francisco Friends of the Urban Forest. Representatives of all sixteen City agencies that have any jurisdiction over City trees gathered together to write legislation developing the concept of the urban forest and wrote urban forestry management guidelines and recommendations to the Mayor, which involved training all of the different staff in good arborist techniques and dealing with the coordination issues among the agencies. Ms. Kaufman indicated that she would be happy to provide those documents for consulting ideas on what took place in the past regarding consolidation. Ms. Kaufman reported her concern about a street tree in front of her house that was improperly pruned because of a lack of coordination between DPW and PG&E.

Ms. Hui stated that the Urban Forestry Council shares the Commissioner's concerns for care of trees in this city and is working on a plan for voluntary contributions by companies with credentials and preparing a list of approved tree care maintainers for the city. It was stated that one of the Council members works for a city that has such a program, and she had indicated that the program works very well in increasing the health and level of tree care. Commissioner Martin stated that the message that she would like to relay to the Planning Department is that citizens should stop taking care of trees. Commissioner King asked that the Urban Forestry Council provide a recommendation in the next few months on whether there is an appropriate amount of care provided by the City for our trees, what the appropriate level should be in terms of funding and staff, and whether the solution could be training or another consideration. Ms. Hui reported on the Department of Environment's annual sponsorship of a pruning class for City workers who work on City trees.

Commissioner Martin reported that Mr. Mohammed Nuru of DPW prepared an analysis approximately two years ago on what it would take in terms of an additional fee or tax to have DPW do the work instead of people themselves. Commissioner King stated that his concern is with the current budget cuts as it relates to caretaking of trees that the City is responsible for so that Commissioners could provide their comments about how trees could be properly taken care of with a decrease in staff.

Items 8 – 11 were heard before Item 7.

7. Approval of the Department of the Environment's Fiscal-Year 2009-2010 Draft Budget. (Explanatory Document: Draft Budget Part 1 (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/Budget1.pdf> and Part 2 (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/Budget2.pdf>) Sponsor and Staff Speaker: Acting Director David Assmann, (Informational Report, Discussion, and Action)

Acting Director Assmann reported that this Fiscal Year's budget is the most challenging the City has faced in probably decades, and indicated that there are ramifications for the Department as well. It was explained that the draft budget is not a final document and there will be changes in order to factor in costs that are not yet available, e.g., benefits, department commitments for requested funding, and pending negotiations with the Budget Office for supporting other department's diversion programs. The budget submitted for the Commission's approval is considered to be the basic blueprint for the Department's budget for this fiscal year. It is complex because the Department does not request approval for all items at the same time. This budget represents the majority of what would be spent in the next year but does not take into consideration money that might arrive through grants part way through the fiscal year and so therefore underestimates the total budget that would be spent in Fiscal Year 09-10. Acting Director Assmann reported on the differences in the proposed fiscal year budget from the previous fiscal year and indicated that the budget is going from \$13.2 million to \$11.7 million, a projected decline of 11% decline, some of which would be made up with funds that are received through the course of the year, e.g., Energy Watch program funds and grants.

Acting Director Assmann presented a report on all program area budget sections for Energy, Clean Air, Recycling, Toxics Reduction, Green Building, Outreach, Environmental Justice, Urban Forestry, and Administration. An overview was given on the source of revenue and allocation of expenditures for grants, services of other City departments, salaries, benefits, and non-personal services by program area as well as Department totals. The totals from the three major revenue funds from outside grants, funds from other City departments, and the Impound Account were described. It was stated that the budget is lean, and a number of changes have been made to accommodate provision of funds for other departments for diversion projects. Additional information can be accessed in the explanatory document spreadsheets.

Commissioner Wald expressed her concern with approving a budget that the Operations Committee had not yet approved. Acting Director Assmann reported that normally the budget is reviewed first by the Operations Committee, then the Commission, and then would go to the Mayor's Budget Office. However, the Operations Committee that normally meets before the January Commission meeting was postponed because of a lack of quorum and this is the only full Commission meeting before the budget is submitted to the Mayor's Office on February 20th. Acting Director Assmann offered to request that the Operations Committee review the budget at their February 4 rescheduled meeting and then hold a special Commission meeting in February before budget submission to the Mayor's Budget Office.

Commissioner Martin inquired (1) about the 80% reduction for Energy, how much is adjusted when the Energy Watch program is factored in; (2) about salary savings as a result of Department Director savings; and (3) space rental fees. Acting Director Assmann reported that (1) the Energy program is actually going up from \$4.5 million to \$7 million in calendar year 2009; which bisects the fiscal year; (2) that the Department is budgeting for a Director as of July 1, and (3) that the Department has a multi-year lease for a private space that has an annual increase built into it, which would increase the rate again in the next fiscal year on July 1

Commissioner Wald inquired about plans for remodeling the Eco Center. Acting Director Assmann reported that the remodeling effort is currently on hold until we see what happens with the financial situation. There is outside funding received that has to be used for that purpose, but anything that is not tied to it is on hold given the financial situation. Commissioner Tuchow inquired about non-personal services. Acting Director Assmann explained that the biggest part of non-personal services is professional services and would include other expenditures starting after the Advertising category.

Commissioner Tuchow reported that this year's budget is not that much different than last year's other than the energy figure which had been explained as being a result of the non-matching of the grant year. Commissioner King stated that he would forward any questions he had to the Operations Committee for review at their meeting. Acting Director Assmann reported that he would provide the Operations Committee with an all inclusive on and off budget.

Commissioner Wald inquired whether the prediction in reduction in grants is a reflection of the economy, or the likelihood that private foundations will have less money to give, or a reflection of the economy and government entities. Acting Director Assmann reported that it is getting more difficult to get funding and only money that is guaranteed is added to the budget; however, it is not a significant decline at this point. Also, additional grant funding would be received from pending grants. A concern was reported that there is not sufficient funding at this time for the Urban Forest and one of the Clean Air positions so the Department has to get creative in acquiring funding to make sure that these programs are carried out to full capacity.

Public Comment: Ms. Wuerfel discussed the commitment the Department is making with the Impound Account by accepting the responsibility of the General Fund shortfall by underwriting \$700,000 or \$800,000 for department diversion programs. Ms. Wuerfel stated that she is not arguing the merits, but

that a precedent is being set and the Department might not get the funding back in the future. A request was made (1) to articulate what the \$500,000 Recreation and Park Department allocation is going to be used for, whether it would be for salaries, other criterion, etc.; (2) to provide details on all underwriting under the Impound Account, especially the \$100,000 being spent for toxics reduction allocated to the Office of Contract Administration; (3) to correct the mathematical error for Administration. The amount of money that is coming from the General Fund and the Impound Account results in \$2.6 million dollars, but does not take into consideration that \$230,000 is coming from grants. It appears that there is a mathematical addition error or it is not understood what the overhead is going to be; (4) expressed her concern about the way the overhead is being allocated on FTE's because it does not appear that grants are paying their fair share. When you have \$500,000 in salaries and benefits, the \$230,000 is not a comparable way of assessing their impact on administrative activities. Ms. Wuerfel also recommended that the Department request a new source of revenue to assist in project development of the Bayview Hunters Point planning as well as for other long-term developments.

Upon Motion by Commissioner Tuchow and second by Commissioner King, the budget was approved contingent upon the Operations Committee review and approval at their next meeting (AYES: President Pelosi Jr., Vice-President Gravanis, Commissioners King, Martin, Tuchow and Wald; Absent: Commissioner Rodriguez Heyman).

8. Adoption of the Department of the Environment's Information Systems (IS) Policy. (Explanatory Document: IS Policy (Word)

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/SFDOEInformationSystemsPolicy.doc>) Sponsor: Acting Director David Assmann, Staff Speaker: Mr. Lawrence Grodeska, Internet Communications Coordinator (Informational Report, Discussion, and Action)

Acting Director Assmann reported that the packet contains an Information Systems Policy that is a philosophy that guides the Department of Environment's Information Systems and would focus on an open standards system. The justification for an open source policy is that it gets maximum value in terms of functionality, stability, and security for the least amount of money. There is a better interoperability of information systems when you have an open system and the document would be used as a guiding document as the Department redevelops its website and moves forward with all IT Policy considerations.

Commissioner Tuchow inquired whether there are any security implications for the website with the open source policy and if there is a precedent among other City departments having open source policies. Acting Director Assmann reported that security is of upmost concern and a system would not be adopted that would not provide as much security as a proprietary system, but is not sure what the precedent is for other departments. Mr. Grodeska reported that open source systems are developed generally by a much larger pool of developers and tested by many more users so they tend to be more stable and secure systems, so security is not a concern. It was explained that as far as adoption by governing bodies, Europe tends to adopt open standards as a preferred IT procurement policy.

Upon Motion by Commissioner King and second by President Pelosi Jr., the Department of the Environment's IS Policy was adopted without objection. (AYES: President Pelosi Jr., Vice-President Gravanis, Commissioners King, Martin, Tuchow and Wald; Absent: Commissioner Rodriguez Heyman)

9. Electric Vehicle Initiative for San Francisco and the Bay Area. Sponsor: Commission President Paul Pelosi Jr.; Staff Speaker: Mr. Bob Hayden, Transportation Manager (Informational Report and Discussion)

Mr. Bob Hayden presented an update on the electric vehicle promotion program. Transcript of presentation: In November, the Mayor joined with Oakland and San Jose Mayors to announce that jointly

as a region, we would be undertaking coordinated efforts to promote and support the development of the electric and plug-in vehicle market within the Bay Area and specifically within San Francisco, we would take aggressive actions to move that whole market forward and to make the City one of the most electric vehicle ready communities and successful markets for plug-in vehicles within the coming years. About a decade ago, there was a push for battery electric vehicles that were being spurred primarily in California by the Air Resources Board with the zero emission vehicle mandates. Those vehicles basically disappeared from the market almost a decade ago but we did at that point with the help of this Commission, its predecessors, and the Department of the Environment who laid good ground work for electric vehicle infrastructure. We are now at the point where we have something to build from. The reason it is important to start building now is that virtually all of the car companies have indicated that within the next several years beginning as early as 2010, some companies will be marketing plug-in vehicles, some of them all battery electric vehicles, and some of them plug in hybrid vehicles, but the key is that they will be able to charge from electric vehicle charging stations. Mayor Newsom has taken this on in a very enthusiastic manner and made this a very high priority, and we are charging ahead in a lot of directions.

Mr. Hayden reported on the Request for Information in which the Department solicited responses from interested parties, companies and organizations, to bring ideas of how we could approach this whole process of becoming electric vehicle ready and to get an idea of what type of companies were available to work with. There was a wide range of nineteen responses, some dealing with specific vehicles that they wanted to promote and some talking about new types of charging techniques. Discussions have been entered into with quite a number of these companies to further the process along as a learning curve process. One of the things learned was that the electric vehicle chargers, the whole technology has evolved in these ten years that we were last involved in installation on City property. What has developed is that with the advent of all the information technology and high-tech networking type of capabilities, we are now entering a world of what we are calling smart chargers so we will start seeing electric vehicle chargers that aren't simply placed in a location to simply communicate with the vehicle back and forth, but they will be able to through networking capabilities, be able to be networked among themselves, and network back to the utility companies. Users can remotely access the whole network and determine where there are available chargers, utilities can work with consumers to make sure that people aren't overloading the grid system and doing all of their charging on peak, but instead shifting to off-peak charging. Those types of things are being integrated into what is being put forward.

Mr. Hayden stated that efforts have been organized into three types of activities. The first is within the City itself, to do a comprehensive plan of action so that in the next couple of years, we can be ready for these vehicles when they go on the market. The way that has been done is that an interdepartmental working group has been pulled together of nine departments that have something to do with the development of the electric vehicle programs ranging from buildings inspections, code enforcement, to our own fleet, to the PUC, to Real Estate. The second one is that we are on a rapid basis putting in a public demonstration of several chargers in Civic Center Plaza so that the public can be shown what is coming. We will initially use some of our plug-in hybrids to charge there and hope that in a couple of years we will be able to charge full battery electric vehicles there as well. The third activity is to take on very aggressively a leadership role to make this truly a regional effort so it is the Bay Area that creates a market pull in addition to just the City. It is hoped that next month the first inter-regional meeting where all of the Cities that have an interest in working with us as well as the regional government agencies, e.g. BAAQMD, MTC, ABAG, major companies and major stakeholders who have a role in this within the Bay Area, would be brought together to start a program for identifying an action plan where we can truly coordinate our activities within the next couple of years.

Public Comment: Ms. Blair (1) recommended viewing the "The Death of the Electric Car" which can be rented from the Library; (2) expressed her support of President Obama as there may now be a chance to promote the electric vehicle program; (3) asked the Commission to assist the Bicycle Coalition in acquiring

more bike lanes; (4) discussed her interest in Pedi-cabs, an alternative environmentally friendly form of transportation, which is a carriage that transports people by human pedaling; (5) requested the Commission's assistance in acquiring Pedi-cab permit approvals that are being held up by the Central Station Police Office Captain; and (6) expressed her support for electric cars.

10. Departmental Climate Action Plans Update. Sponsor: Acting Director David Assmann; Staff Speaker: Ms. Calla Ostrander, Climate Action Coordinator (Informational Presentation and Discussion)

Ms. Ostrander reported that in May 2008, Supervisor Mirkarimi's green house gas reduction ordinance required that each City department submit a Climate Action Plan that includes their best practices to the Department of the Environment by the end of January 2009. The plan was a template that asked departments to track their carbon footprint, zero waste practices, and energy efficiency and renewables. It also includes the energy ordinance and best practices required by the Public Utilities Commission (PUC) for release of fourth quarter energy related funding for departments. Ms. Ostrander reported that she has been working with departments on this effort since she started work for the Department in October. The Mayor's Office has coordinated successful strategic meetings, a few departments have turned in their action plans, and the rest are due next week. The focus of the Climate Action Plan was to acquire the basic carbon footprint for all departments that were pulled out of three specific measures (1) electricity use; (2) natural gas use; and (3) fuel use. It was explained that this simple exercise has been the most useful thing that the Climate Action Plan has done to date, and has made many departments aware of how they were tracking fuel usage, their fuel vendors, and where bills were going to. The transparency and organization that has happened because of these plans has been impressive, both with tracking facility energy use and tracking fuel use within their fleets.

Ms. Ostrander reported that the Climate Action Plan has resulted in the start of composting in City Hall bathrooms and for a number of departments starting department-wide greening, composting and recycling schemes. The object of the Climate Action Plan is to empower people within their departments to make the best changes where they see fit and for what works best for them. It was explained that departments may in the future be given their energy, water, and fuel use statistics monthly or quarterly so departments can see as they are going along exactly where most of their carbon footprint is coming from and which areas have the most potential for efficiency. It is a good feedback mechanism that if a department does a large efficiency measure, they should in the next month see a reduction in their energy use right away especially if tracking is done on a regular basis. This gives them positive feedback or reward for what they have done instead of doing it on an annual basis where it is just a routine task.

Ms. Ostrander reported that next steps include creating a database for all of the inventories including the Climate Action Plans; e.g., the community-wide inventory, California Climate Action Registry (for the municipal carbon footprint), and department Climate Action Plans. It was explained that integrating all of the inventories and keeping data in an organized centralized location would be an effective tool in helping to track reductions and will streamline staff time. A future report would be presented on what is learned from all of the Climate Action Plans. Ms. Ostrander stated that currently there are a variety of different ways that the Climate Action Plan was filled out and reported on, and that it is her job to put all of the data together and report back in a standardized fashion.

Commissioner King recommended that there should be a policy and system of recognition for department staff assigned to extra tasks that go above and beyond the call of duty. Ms. Ostrander reported that she is doing as much as she can to institutionalize the data collection that departments will be getting so that the work could be integrated into standard practices. Ideally, it is hoped that this be an institutionalized system that is accomplished with everything else. This year people who took the time and went beyond the call of duty would be commended; but going into the future it is hoped that accounting for our impact on our

environment becomes normal as to the point where we don't have to award people for doing it, but it is just standard within our bureaucratic functioning.

Commissioner Martin inquired whether the variance in reporting is a positive factor or if it would be better to provide a template. Ms. Ostrander reported that a template would be worked on for next year that would be much more specific and easier as it was frustrating for departments to work through the current template because it included a lot of verbiage without a lot of direction. Cleaning up the template would clean up the process.

Ms. Ostrander presented the adage "You can't manage what you can't measure" and the quote "Not everything that counts can be counted" Albert Einstein. It was stated that while we are all about tracking and accounting right now for our emissions, there are a number of activities, behaviors and practices that cannot easily be put into metrics that we still want to encourage among individuals and departments.

11. Program Proposals for Economic Stimulus Package. Sponsor: Acting Director David Assmann, Staff Speaker: Mr. Cal Broomhead, Energy Manager (Informational Presentation and Discussion)

Mr. Broomhead stated that three separate requests were received on very short notice to prepare ideas for the Economic Stimulus Package, and there was no criteria set for any of these requests other than ideas for programs that could start in 120 days. Mr. Broomhead discussed the lack of information provided on format except for listing the program, how much it was going to cost, and how many jobs it would create. There was no specific definition or guidance on what kind of jobs, how jobs would be counted, whether local jobs were sought after, how many dollars would be spent to create a job for one year, whether new markets would be created for businesses or if business opportunities would continue after the federal funding. It was explained that even with the lack of information provided, several ideas were put together that totaled half a billion dollars that fell into two categories, general and residential programs.

President Pelosi Jr. asked Mr. Broomhead to explain energy efficiencies, what programs should be brought forward, and what the Commission is going to do once funding is received. Mr. Broomhead reported that ideas were in general and residential sector programs. Hundreds of community workers would be trained and go door to door to educate people what they can do to reduce their energy and water use, reduce toxics, disaster preparedness, and other activities that we think a community-wide education program would do. An assessment of the homes would be prepared and semi-skilled workers would do minor home repairs and energy efficiency improvements. Full-scale home performance assessments would be implemented particularly in the low-income community to improve indoor air quality and do full insulation and retrofits of water heating and heating systems so that we get high quality and healthy homes as a result.

On the commercial side, you could do the same thing where you would subsidize people who would become commercial building improvement facilitators. It would be offered to the commercial building market at either a very low-cost or free initially to help with recycling, identifying energy efficiency opportunities, and assisting with project management that they have had a difficult time paying attention to. Training and certification of these facilitators would be required and eventually as the subsidy declines, then it is up to the building owners to take that on as a business opportunity. Commercial refrigeration and old boiler and heating systems replacement in apartment buildings were other targeted programs. It was explained that there are a lot of small commercial outfits in the City that either own or lease really old inefficient refrigeration equipment. Replacement of these units would create a few jobs locally, a lot of jobs at the manufacturing level, save a lot of energy in San Francisco, and would be good for the tax base. All together these projects would cost over half a billion dollars.

Mr. Broomhead reported that he is reviewing two draft bills that he has just received--an appropriations bill from the House of Representatives and a Senate Bill. Mr. Broomhead explained that the economic stimulus money would not be allocated to every City to get its share, but would be allocated through existing channels, programs, to states, or there may be funding available for community development block grants. There would be an application process and existing formulas for projects that would be accepted, and there may be a problem with capacity. Mr. Broomhead reported that the Mayor's Office is setting up a Task Force of City departments divided into eight issue areas under the House Bill. The first Energy Clean Tech meeting is scheduled for this Friday afternoon, and eight of these meetings would be scheduled. A deadline of February 16th has been set to determine where the opportunities are, to prioritize, and to put proposals together. President Pelosi Jr. stated that is approximately the date it would pass. Mr. Broomhead stated that the idea is to be there early with ideas in order to shape administrative systems to fit the criteria that we would like to see and to make sure that our ideas are there first so they are likely to be funded first.

12. Nomination and Election of Commission Officers. (Continued from the November 7, 2008 Special Meeting) (Discussion and Action)

Vice-President Gravanis withdrew her candidacy for Commission President and nominated Commissioner Martin. Commissioner Martin accepted the nomination. Commissioner Tuchow nominated Commissioner Pelosi Jr. for Commission President. Commissioner Pelosi Jr. accepted the nomination. On the nomination to elect Commissioner Martin for Commission President, AYES: Commissioners Gravanis, Martin and Wald; NOES: Commissioners King, Pelosi Jr., and Tuchow; Absent: Commissioner Rodriguez Heyman. TIE VOTE. On the nomination to elect Commissioner Paul Pelosi Jr. for Commission President: AYES: Commissioners King, Pelosi, and Tuchow; NOES: Commissioners Gravanis, Martin and Wald; Absent: Commissioner Rodriguez Heyman. TIE VOTE. Deputy City Attorney Barnes advised that because of the tie-votes for both nominations, the current Commission President would be a holdover candidate until the following meeting where another vote would be taken unless another motion is made at this time to reach a minimum of four votes for a candidate.

President Pelosi Jr. recommended reviewing the Commission Bylaws to prevent future conflicts on the nomination and election process and requested that the Deputy City Attorney review any possible Sunshine Ordinance violations. Commissioner King asked President Pelosi Jr. to not take this route and discussed the length of time one officer should hold a position as a consideration for future candidacy. Commissioner Martin stated that she was unaware of any lack of cooperation or effect that this process was having on the staff. Vice-President Gravanis discussed the importance of Commissioners adhering to the regular meeting schedule in order to accomplish Commission business in an effective manner.

Commissioner Martin stated that as the President she would work on the agendas well in advance of the meeting so that an overview can be given on the direction the Commission is taking; to work more on outreach, e.g., liaison with fellow agencies that are doing work in allied areas; and to follow-up on Commissioner's interests on issues. Commissioner Martin stated that she would be willing to do so in a position other than the Presidency and would be willing to change her vote. President Pelosi Jr. stated that the Department and the Commission should focus on outreach, better return on investment and employees, and to highlight the work that the Department does that does not receive enough attention. President Pelosi Jr. stated that he would delegate working on outreach programs and Commissioner's interests on issues with the Department to the Vice-President. Commissioner Tuchow commended Commissioner Martin's request to take a more active role on the Commission. Commissioner Wald commended President Pelosi's willingness to allow someone else to step in as President at the end of this term and discussed the merits of a rotating presidency. President Pelosi Jr. suggested that the bylaws could be amended to limit the presidency to a two-year maximum so each member feels they are making a significant contribution to the Commission.

Commissioner Martin withdrew acceptance of her nomination for President, asked for a revote, and nominated Commissioner Gravanis to continue as Vice-President. Vice-President Gravanis accepted the nomination.

Public Comment: Ms. Nancy Wuerfel reminded the Commission that they do set policy and encouraged the Commission to work in the eyes of the public, e.g. meeting every month. It was explained that the Commission has a full agenda, and the budget has a lot of issues to review. Ms. Wuerfel stated that she appreciates Commissioner Martin wanting to be more active, but that would mean that the work may not be visible to the public. Ms. Wuerfel recommended that the Commission not lose what they can do as a unified body of advisors and not take on staff roles.

**On the nomination to elect Commissioner Pelosi Jr. for President, AYES: Commissioners Gravanis, King, Martin, Pelosi Jr., Tuchow, and Wald (Absent: Commissioner Rodriguez Heyman).
Commissioner Pelosi Jr. was elected as President. On the nomination to elect Commissioner Gravanis for Vice-President, AYES: Commissioners Gravanis, King, Pelosi Jr., Martin, Tuchow and Wald (Absent: Commissioner Rodriguez Heyman). Commissioner Gravanis was elected as Vice-President.**

13. Public Notice of 2009 Subscription and Renewal of Commission on the Environment and Committee Notices and Agendas as required by the Commission on the Environment Bylaws.

(Explanatory Document: Subscription Request Form (Word)

<http://sfgov.org/site/uploadedfiles/slenvironment/meetings/coe/supporting/2009/Subscriptiontoagendas2009.doc>) Staff Speaker: Ms. Monica Fish, Commission Secretary (Information and Discussion)

Ms. Fish reported that the Public Notice referenced in this agenda item is issued pursuant to the Commission on the Environment's Bylaws, Article XIII-Requests for Notice and Agendas as follows: "A request from a member of the media or public to receive notices, agendas, or agenda packets for Commission or committee meetings must be in writing and specify what the person would like to receive and whether notice by email is preferred. Such requests will be valid until the following January. In January of each year, the Commission will ask each person on the list to re-affirm their desire to stay on the list for another year through a notice on the Commission's January agenda." It was explained that placing this notice on the January agenda as has been done fulfills the requirement of the Commission's Bylaws. Ms. Fish reported that there would be an edit to the notice to list the appropriate Acting Director.

14. Operations Committee Report. (Information and Discussion)

Chair's Report: Report on the October 14, 2008 Rescheduled Meeting and review of the agenda for the upcoming rescheduled meeting of February 4, 2009, at 5:00 p.m., 11 Grove Street. Ms. Fish reported that the October 14, 2008 report was given at the October 30th Commission meeting. President Pelosi Jr. reported that the Fiscal Year 2009-10 Budget would be reviewed at the Operations Committee meeting on February 4th.

15. Policy Committee Report. (Information and Discussion)

Chairs Report: Highlights of the November 17 and December 9, 2008 and January 13, 2009 meetings and review of the agenda for the February 9, 2009 meeting to be held at City Hall, Room 421. Policy Committee Chair Wald reported that the Hunters Point Shipyard/Candlestick Point project development was discussed at the December 9 and January 13 rescheduled meetings. A presentation was given and a discussion held on the Transportation Plan at the December 9 meeting, and the January 13 meeting included a presentation from Mr. Saul Bloom from Arc Ecology on their thoughts about development of the area. Committee Chair Wald expressed the Committee's appreciation to Ms. Tiffany Bohee, Office of Workforce and Economic Development, and every member of her team for their willingness to engage with

the Committee. Committee Chair Wald stated that the Committee had been very impressed with the Arc Ecology presentation and hopes that the planning team would take that presentation into account going forward. The January 13 meeting also included an overview of the Department's outreach efforts as a basis for what additional activities could be done at the Commission. At the February 9 meeting, a discussion will be heard on the status of the Urban Environmental Accords, and the Committee will select Urban Accords that this City will focus on in the coming year for recommendation to the Commission. In addition, there will be a discussion of garbage rate issues that were raised by public comment to the Committee.

16. Commission Secretary's Report. (Information and Discussion) (Explanatory Document: Commission Secretary's Report (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/012709.pdf>)

Monica Fish, Commission Secretary

- **Communications and Correspondence**
- **Update on Pending City Legislation**

Ms. Fish reported (1) on legislative updates and correspondence received; (2) that Commissioners present at today's meeting received their W2's; and (3) on requirements for submission of the annual Statement of Economic Interests Form 700 and Sunshine Ordinance and Ethics trainings. The Commission Secretary Report detail can be found in the explanatory document above.

17. Director's Report. (Information and Discussion) (Explanatory Document: Director's Report (Word)

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/DirectorsReportJanuary2009Revised.doc>

Updates on Department of the Environment administrative and programmatic operations relating to Budget Planning, Strategic Planning, Clean Air, Climate Division, Outreach and Education Division, Environmental Justice Division, Zero Waste, Toxics Reduction Program, and the Urban Forestry Division.

Acting Director Assmann reported on highlights of the Department's administrative and programmatic operations that include (1) Toxics Reduction participated in a conference with a group of people from Sweden and Bay Area stakeholders working on chemical policy. A discussion was held on how to implement chemical policies similar to what is being done in Sweden; (2) Toxics Reduction is having their Integrated Pest Management Conference tomorrow which is now being held every two years. The conference was sold out a month and a half ago; (3) Recycling. Disposal is now at its lowest level in approximately 20 years; (4) A Request for Proposal(s) for landfill capacity will soon be issued for when our capacity runs out at Altamont Landfill. Disposal is decreasing so there is additional time--the decrease is from 12 to 14% in disposal in the last few months over the same period last year; however, that may not last when the economy starts to pick up again; (5) a lot of work is being done on potential funding from the Economic Stimulus Package that hopefully will be directed toward some of the cities; (6) working closely with CARB initiatives on climate; (7) the Energy Watch program funding will be increased in calendar year 2009 to \$7 million which will result in energy savings. There is also continuing discussion with the Public Utilities Commission on the long-term funding for that program for years after 2009; and (8) Green Cities is working on a best practices website that is targeted for completion in April. Additional detail on Department activities can be found in the Director's Report explanatory document above.

Vice-President Gravanis inquired whether there has been discussion on assessing the necessity of City air travel for business and City offsets. Acting Director Assmann stated that during these fiscal times, it is hoped that every department is analyzing whether the trips are necessary, but the Department does not have control over other department's budgets. However, through the Climate Action Plans, it is something that can be pulled out and pointed to. The Department is assessing the need for travel internally and is hoping that the carbon fee will be a deterrent for travel. In addition, work has been done with Cisco and others to try to promote web-based conferencing so meetings can be held in a virtual setting instead of in

person. It was explained that proportionately, air travel is worse than ground transportation in terms of emissions, which is another way to discourage air travel.

Vice-President Gravanis inquired about the Director's Report reference to a meeting with the Gulf of the Farallones Superintendent about wave energy. Acting Director Assmann reported that the meeting was about the Department's opposition on an application they received to put equipment at the Gulf of Farallones marine reserve. Vice-President Gravanis inquired about the definition of bee tunnels. Acting Director Assmann reported that he thinks a bee tunnel would facilitate the relocation of bees, but would report back with additional information. Vice-President Gravanis stated that she hopes that future Arbor Day activities would be held in the fall for the sake of tree preservation and water conservation.

Commissioner Tuchow inquired about the \$12 million in PG&E funds allocated to Energy Watch over the next three years. Acting Director Assmann reported that the Department is lobbying to increase \$12 million to \$21 million over three years in order to keep the same rate of \$7 million a year going forward. Commissioner Tuchow inquired about the source of the 20% administrative fee to PG&E. Acting Director Assmann reported that is a separate fee that is not from the Department's allocation of program funds. Commissioner Martin asked about the source of funds for the Energy Watch program. Acting Director Assmann reported that program funding is from rate payers--a public goods charge that is added to utility bills.

18. Announcements. (Information and Discussion) Commissioner Martin suggested that since it is difficult to speak to other Commissioners outside of a meeting, that there should be a check-in at the time of announcements to be further apprised of what Commissioners are doing individually so there is a better sense of what the Commission's direction should be collectively. Acting Director Assmann reported that the Department's budget is always due on either February 20 or 21, and it would be helpful for the Commission meeting to be scheduled closer to the time that the budget has to be submitted to account for revisions that have to be made.

19. President's Announcements. (Information and Discussion) President Pelosi Jr. stated that he has been working with Cisco and other countries around the world on Eco-Map, which will be displayed at Temple Nightclub. It was explained that Eco-Map compares one City neighborhood's zip code versus another to show its carbon footprint. It takes into account all types of transportation, power bills, and all available public data in order to make people aware of their impact and what they are doing to reduce their carbon footprint. It was explained that this project will bring a lot of visibility to the Department.

20. New Business/Future Agenda Items. (Information and Discussion) Vice-President Gravanis (1) requested a discussion on defining sponsorship of agenda items, what sponsorship responsibilities are, and setting criteria for how agenda items are set; (2) requested that the Commission schedule be followed; (3) stated that meeting every other month may not be sufficient to conduct Commission business and recommended that an additional meeting devoted to the budget be added in February; (3) requested a future discussion on making the Commission website more accessible to the public; and (4) future Bylaws amendments.

President Pelosi Jr. explained that agenda items go through the Committees, then before the Commission meeting, the Director and the President have a conference call with the Commission Secretary to review all items. Commissioners contact the President or Director with agenda items they may be interested in, and a decision is made whether those items should be included in the agenda or not. In addition, Department project managers are contacted to see if they have items to add. The President determines whether there are items of interest from staff meetings, items of interest to the public, upcoming activities of interest that the public and Supervisors may be discussing or should have input into. Vice-President Gravanis stated that she would like input from the Commission into setting criteria in terms of how to best

use the Commission's time, which items can be best put into a written report if a discussion is not expected, how many items can be fit on any particular agenda, and which items are reports that need to go to one of the Committees, but not the Commission and which should go to the Commission and not to the Committee.

21. Public Comments: Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. There was no public comment at this time.

22. Adjournment. The Commission on the Environment meeting adjourned at 7:51 p.m.

*** Copies of explanatory documents are available at (1) the Commission's office, 11 Grove Street, San Francisco, California between the hours of 9 a.m. and 5 p.m., (2) on the Commission's website at http://sfgov.org/site/sfenvironment_meeting.asp?id=61004; (3) by clicking on the links by each agenda item above, (4) upon request to the Commission Secretary, at telephone number 415-355-3709, or (5) via e-mail at Monica.Fish@sfgov.org within three business days of a meeting.*

Explanatory documents that are received after posting of this agenda are available on the website or upon request to the Commission Secretary at the contact information listed above.

Respectfully submitted by,

Monica Fish, Commission Secretary

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Approved:



CITY AND COUNTY OF SAN FRANCISCO
COMMISSION ON THE ENVIRONMENT

GOVERNMENT
DOCUMENTS DEPT
MAR 17 2009

REGULAR MEETING
APPROVED MINUTES

TUESDAY, JANUARY 27, 2009, 5:00 P.M.
City Hall, Room 416, San Francisco, CA 94102

SAN FRANCISCO
PUBLIC LIBRARY

COMMISSION MEMBERS: Commissioners Paul Pelosi Jr. (President), Ruth Gravanis (Vice-President), Angelo King, Darian Rodriguez Heyman, Jane Marie Francis Martin, Matt Tuchow, Johanna Wald

ORDER OF BUSINESS

Public comment will be taken before the Commission takes action on any item.

1. **Call to Order and Roll Call.** The Commission on the Environment Meeting was called to order at 5:08 p.m. Present: President Paul Pelosi Jr., Vice-President Gravanis, Commissioners King, Martin, Tuchow (5:10 p.m.) and Wald. Excused: Commissioner Rodriguez Heyman
2. **Adoption of Minutes of the October 30, 2008 Commission Rescheduled Meeting and November 7, 2008 Commission Special Retreat Meeting.** (Discussion and Action) Upon Motion by Vice-President Gravanis and second by Commissioner Wald, the October 30, 2008 Commission Meeting Minutes were approved without objection (AYES: President Pelosi Jr., Vice-President Gravanis, Commissioners King, Martin, and Wald; Absent: Commissioners Rodriguez Heyman and Tuchow). Upon Motion by Commissioner Martin and second by Vice-President Gravanis, the November 7, 2008 Retreat Meeting Minutes were approved without objection (AYES: President Pelosi Jr., Vice-President Gravanis, Commissioners King, Martin, Tuchow and Wald; Absent: Commissioner Rodriguez Heyman) (Explanatory Documents: October 30, 2008 Approved Minutes http://sfgov.org/site/sfenvironment_page.asp?id=92872 and November 7, 2008 Approved Minutes http://sfgov.org/site/sfenvironment_page.asp?id=93937)
3. **Public Comments:** Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. There was no public comment at this time.
4. **Mandatory Recycling Ordinance Update.** (Explanatory Document: Mandatory Recycling Ordinance Draft (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/co/supporting/2009/Mandatory%20PDF41.pdf>) Sponsor: Commission President Paul Pelosi Jr.; Staff Speaker: Mr. Robert Haley, Recycling Program Manager (Informational Report and Discussion). Mr. Haley reported that the Mandatory Recycling Ordinance was discussed at a Commission meeting previously and an effort was made to incorporate the Commissioner's and other comments. It was reported that Mayor Newsom introduced the Ordinance to the Board of Supervisors in November 2008, but because there was not a lot of meetings scheduled with the outgoing Supervisors and a lot of unfinished business, the item was not discussed. It has since been assigned to the Board of Supervisors Land Use Committee and has not yet been calendared. Mr. Haley reported that the Department will be meeting with the Board of Supervisors to explain the Ordinance and to request their support as well as to add co-sponsors. The Mayor's Office indicates that this issue is a priority for them and would be providing their assistance in scheduling meetings. It is hoped that the Board of Supervisors will take action soon.

Commissioner King inquired how this policy would be implemented in multi-family developments. Mr. Haley reported that meetings were held with the Apartment Association, the Coalition for Better Housing

and another property management association. It was explained that the Ordinance is focused on getting recycling and composting into large apartment buildings so there is access to the programs. Fines would not be issued for mixing items together in a multi-family situation because complete control is not available; however, if a place is unwilling to site the containers, fines can be discussed or a waiver can be applied for if there is lack of space. Commissioner King inquired whether a discussion was held with the Housing Authority. Mr. Haley reported that discussions are being held with the Housing Authority, and a project is being worked on in Sunnydale with the Housing Authority.

5. Green Holiday Tree Recycling Program. Sponsor: Commission President Paul Pelosi Jr.; Staff Speaker: Mr. Robert Haley, Recycling Program Manager (Informational Report and Discussion)

Mr. Haley reported that the Holiday Tree program has been in existence for decades and is working well. It was explained that there used to be drop off locations for trees, but the program has moved more toward curbside collection. A lot of outreach has been done, and about 500 to 600 tons have been collected per year. An effort has been made to compost the trees, but they are very acidic. The trees have been used for mulch, but they produce a lot of mulch at a specific time of year so it saturates the markets. Now most trees go to biomass—they are burned for energy. Education is being done on problem issues of plastic bags, stands, and tinsel. The Fire Department is involved with trees that get burned on the street which is also a problem. The recycling program is easy to implement, but does have a cost of at least \$100,000 per year. Research has been done to internalize the cost into the price of the trees, but a mechanism has not yet been identified.

Commissioner Martin inquired about the trees that are burned on the beach and whether the Department has issued an outreach message in support or not. Mr. Haley reported that the Fire Department keeps good records on tree-burning incidents and believes that there were over 100 trees burned, not a large amount considering the number of trees. It was explained that some people do burn them at a bon fire at the beach which is not ideal, but is not considered to be a huge environmental problem. Mr. Haley reported that the Department is taking no position on burning trees in a bon fire; but as far as burning them on the streets, work has been done with the Fire Department who is taking the lead.

Item 12 was heard before Item 6.

6. Status Update on Urban Forest Plan Requirements. Sponsor: Commissioner Jane Martin; **Green Holiday Tree and Landmark Tree Ordinance Programs.** Sponsor: Commission President Paul Pelosi Jr.; Staff Speaker: Ms. Mei Ling Hui, Urban Forestry Council Coordinator (Informational Presentation and Discussion)

Ms. Hui reported that the Urban Forest Master Plan was completed by the Urban Forestry Council and adopted in February 2006. In March 2007, the Council passed a Resolution of endorsement for the Planning Department to incorporate the Plan into the General Plan and to seek outside consultant support in improving the Plan. The Planning Department issued a Request for Proposal in January of 2008, contracts were signed with the consultant team at the end of June/beginning of July 2008, but work was stopped in November 2008 because of loss of funds. The Department of Environment has been trying to schedule a meeting with the Planning Department to see how to move the work forward.

Commissioner Martin inquired whether the Planning Department is required to have an Urban Forest Master Plan that is revised every five years as part of the Request for Proposal. Ms. Hui stated that she would research this question and report back. Commissioner Martin stated that if the work was mandated and pulled back because of a lack of funds, that another way to get the work done should be sought after. Acting Director Assmann reported that an effort would be made to resurrect the process as work had been done and cancelled halfway through the process. A meeting would be scheduled with the Planning

Department with the contractor that embarked on this process to try to find funding that the Planning Department does not have. A discussion will be held to determine the amount of work done to date in order to incorporate that into the General Plan and/or identify additional funding to do more work on the Plan to incorporate into the General Plan.

Ms. Hui reported that since the landmark tree process was legislated in 2006, the Urban Forestry Council held hearings on twenty-two tree nominations, and approved twelve trees for landmark tree status. Ten of these trees were approved by the Board of Supervisors, and there is one additional tree that may be introduced next Tuesday. A record of the total number of landmark trees is not available because before the process was legislated, the Department of Public Works (DPW) was landmarking trees within their jurisdiction so there are single and groups of trees landmarked. Now that the process has been legislated, trees are seen on an individual basis.

Commissioner Tuchow inquired whether the landmark tree nominations and program is owned by DPW. Ms. Hui reported that DPW regulates the permits for removal and care of the trees and is empowered to take action if trees are harmed. Ms. Hui stated that it is a DPW maintained program, but the Urban Forestry Council has influence on how the process moves forward. Commissioner Tuchow inquired how the Urban Forestry Council was involved in the process. Ms. Hui reported that there are five different nomination sources for landmark trees. The Landmark Tree Committee and the Urban Forestry Council will hold hearings after a tree is officially nominated. Depending upon the outcome of the Urban Forestry Council's vote, the process can either stop there or move to the Board of Supervisors and then the Board of Supervisors introduces an ordinance to landmark the tree, which is usually heard in Committee first and then before the full Board.

Ms. Hui reported that a lot of positive press has been received for the Department, the City, and Friends of the Urban Forest on the Holiday Tree program. Individuals can make a tax-deductible donation to Friends of the Urban Forest, a non-profit partner, to rent or borrow a holiday tree that is returned at the end of the Christmas season and is grown until it is large enough to plant in one of the Friends of the Urban Forest's community-based street tree plantings. The tree that is used substitutes a potted or traditional conifer and is the only such program in the world that she knows of. Ms. Hui stated that the closest program that she has found is people renting conifers that are planted in rural areas.

Commissioner King stated that the Urban Forestry Council has voiced their concern for mature trees being cut down as a process of development particularly in the Shipyard. It was stated that by the time someone files for a permit to cut down a tree, the fight may begin, but the pressure of development is already on. It was recommended that well before that process begins and permits have been applied for, that there should be outreach to community members to inspect the trees to determine whether any should be landmarked or saved. Ms. Hui reported that trees are protected by different agencies and organizations that have jurisdictional control over that area, e.g., the Recreation and Park Department protects their trees; DPW issues permits for removal of street, significant, and landmark trees. When trees are removed as part of development, a permit is applied to the agency that has jurisdiction over the tree. DPW does investigate and issue fines when trees are illegally removed.

Commissioner Martin stated that the City does not have a comprehensive approach to our urban forest. Our approach is that every property owner makes the decision about trees that happen to be or not to be on their property which is fundamentally different than an approach that would more readily provide a full and vibrant urban forest. It was explained that the Urban Forest Plan is the vehicle to start to move in a different direction, and something should be done to make it more comprehensive. The condition that we have as a result of different agencies having jurisdiction, is that it is left to individual property owners to make the decision to have or not to have a tree and how that tree is cared for. Commissioner Martin recommended using model language from other municipalities that address issues such as retention of

trees during development. Acting Director Assmann reported that one of the problems with city trees is that City government responsibility for trees is fragmented. It was explained that one of the few good things that is coming out of this budget crisis is a Consolidation Committee that is reviewing consolidation of functions and departments. One of the things under consideration is consolidating responsibilities for trees in one department which would help the urban forest and budget.

Public Comment:

Ms. Nancy Wuerfel thanked Commissioner Martin and King for their thoughts about trying to deal with preservation of trees during development early in the process and encouraged Acting Director Assmann to relay this conversation to the Planning Department. Ms. Wuerfel stated that she did not see a requirement in the Urban Forest Plan for a walk-through of natural resources that should be preserved as part of a large proposed development

Ms. Carolyn Blair (1) thanked Commissioners and Acting Director Assmann for their input; (2) invited Mr. Assmann to speak before the Urban Forestry Council about these issues; (3) stated that she had initiated a meeting with Planning staff and Lennar before all of the trees were cut down, but trees were removed anyway; (4) recommended that Commissioners access the Department's website that explains the landmark tree process; (5) stated that out of 700,000 trees, only 1% of large mature trees with a 22 inch trunk diameter are remaining; (6) described the emotional involvement that people have with trees especially when they are removed; (7) recommended that the Urban Forest Plan be implemented into the General Plan as it is now and then revised in the future as needed and/or consider eliminating some of the EDAW advisors that are costing money and replacing them with pro bono volunteers and/or members of the Urban Forestry Council with the same expertise that could provide advise. Acting Director Assmann reported that full advantage would be taken of any pro bono help particularly since the Planning Department does not have the funds they initially had to carry out this project. Ms. Blair asked why paid arborists are needed when there is a certified arborist on the Urban Forestry Council that would be free. Acting Director Assmann stated that free services would be considered.

Commissioner Martin stated that not only is the existence of a tree critical, but the care and maintenance should be performed by qualified people. It was explained that there is no current protection the way the Urban Forest Plan is now as it is left up to lay people who don't want the tree there in the first place. Commissioner Martin requested that her concerns be relayed to the Planning Department that there should be a different approach that results in a more comprehensive and even treatment of trees particularly as it relates to pruning. Commissioner King requested that there be an analysis of the skill level and number of people who are taking care of not only the mature trees, but the new trees that the City has planted. Ms. Blair stated that Ms. Carla Short, Urban Forester at the Department of Public Works would know the number of staff assigned to take care of City trees. Ms. Blair stated that she hopes that the Commission is capable of acquiring funding for DPW so that Ms. Short can hire people to take care of our City maintained trees. Ms. Blair explained that the Council hired David Binder to do a study on public private property maintained trees, and it was determined that the public agreed to the City taking care of all trees if the expense were to be relinquished. It was stated that this report can be accessed on the Urban Forestry Council's website.

Ms. Blair reported on questions from Board of Supervisors members on tree issues regarding responsibility for tree maintenance and cost, and how the Department should provide more information. Ms. Blair recommended improvements to the Urban Forestry Council's website that would provide better access to questions for the public, Board of Supervisors, and others. It was also stated that the Urban Forestry Council's website is listed in the Department of the Environment's website under "Policy" and should be listed in "Programs" or "Urban Forest."

Ms. Holly Kaufman stated that in 1994, she managed the Urban Forestry Task Force for Mayor Dianne Feinstein, and that the work was funded by San Francisco Friends of the Urban Forest. Representatives of all sixteen City agencies that have any jurisdiction over City trees gathered together to write legislation developing the concept of the urban forest and wrote urban forestry management guidelines and recommendations to the Mayor, which involved training all of the different staff in good arborist techniques and dealing with the coordination issues among the agencies. Ms. Kaufman indicated that she would be happy to provide those documents for consulting ideas on what took place in the past regarding consolidation. Ms. Kaufman reported her concern about a street tree in front of her house that was improperly pruned because of a lack of coordination between DPW and PG&E.

Ms. Hui stated that the Urban Forestry Council shares the Commissioner's concerns for care of trees in this city and is working on a plan for voluntary contributions by companies with credentials and preparing a list of approved tree care maintainers for the city. It was stated that one of the Council members works for a city that has such a program, and she had indicated that the program works very well in increasing the health and level of tree care. Commissioner Martin stated that the message that she would like to relay to the Planning Department is that citizens should stop taking care of trees. Commissioner King asked that the Urban Forestry Council provide a recommendation in the next few months on whether there is an appropriate amount of care provided by the City for our trees, what the appropriate level should be in terms of funding and staff, and whether the solution could be training or another consideration. Ms. Hui reported on the Department of Environment's annual sponsorship of a pruning class for City workers who work on City trees.

Commissioner Martin reported that Mr. Mohammed Nuru of DPW prepared an analysis approximately two years ago on what it would take in terms of an additional fee or tax to have DPW do the work instead of people themselves. Commissioner King stated that his concern is with the current budget cuts as it relates to caretaking of trees that the City is responsible for so that Commissioners could provide their comments about how trees could be properly taken care of with a decrease in staff.

Items 8 – 11 were heard before Item 7.

7. **Approval of the Department of the Environment's Fiscal-Year 2009-2010 Draft Budget.** (Explanatory Document: Draft Budget Part 1 (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/Budget1.pdf> and Part 2 (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/Budget2.pdf>) Sponsor and Staff Speaker: Acting Director David Assmann, (Informational Report, Discussion, and Action)

Acting Director Assmann reported that this Fiscal Year's budget is the most challenging the City has faced in probably decades, and indicated that there are ramifications for the Department as well. It was explained that the draft budget is not a final document and there will be changes in order to factor in costs that are not yet available, e.g., benefits, department commitments for requested funding, and pending negotiations with the Budget Office for supporting other department's diversion programs. The budget submitted for the Commission's approval is considered to be the basic blueprint for the Department's budget for this fiscal year. It is complex because the Department does not request approval for all items at the same time. This budget represents the majority of what would be spent in the next year but does not take into consideration money that might arrive through grants part way through the fiscal year and so therefore underestimates the total budget that would be spent in Fiscal Year 09-10. Acting Director Assmann reported on the differences in the proposed fiscal year budget from the previous fiscal year and indicated that the budget is going from \$13.2 million to \$11.7 million, a projected decline of 11% decline, some of which would be made up with funds that are received through the course of the year, e.g., Energy Watch program funds and grants.

Acting Director Assmann presented a report on all program area budget sections for Energy, Clean Air, Recycling, Toxics Reduction, Green Building, Outreach, Environmental Justice, Urban Forestry, and Administration. An overview was given on the source of revenue and allocation of expenditures for grants, services of other City departments, salaries, benefits, and non-personal services by program area as well as Department totals. The totals from the three major revenue funds from outside grants, funds from other City departments, and the Impound Account were described. It was stated that the budget is lean, and a number of changes have been made to accommodate provision of funds for other departments for diversion projects. Additional information can be accessed in the explanatory document spreadsheets.

Commissioner Wald expressed her concern with approving a budget that the Operations Committee had not yet approved. Acting Director Assmann reported that normally the budget is reviewed first by the Operations Committee, then the Commission, and then would go to the Mayor's Budget Office. However, the Operations Committee that normally meets before the January Commission meeting was postponed because of a lack of quorum and this is the only full Commission meeting before the budget is submitted to the Mayor's Office on February 20th. Acting Director Assmann offered to request that the Operations Committee review the budget at their February 4 rescheduled meeting and then hold a special Commission meeting in February before budget submission to the Mayor's Budget Office.

Commissioner Martin inquired (1) about the 80% reduction for Energy, how much is adjusted when the Energy Watch program is factored in; (2) about salary savings as a result of Department Director savings; and (3) space rental fees. Acting Director Assmann reported that (1) the Energy program is actually going up from \$4.5 million to \$7 million in calendar year 2009; which bisects the fiscal year; (2) that the Department is budgeting for a Director as of July 1, and (3) that the Department has a multi-year lease for a private space that has an annual increase built into it, which would increase the rate again in the next fiscal year on July 1

Commissioner Wald inquired about plans for remodeling the Eco Center. Acting Director Assmann reported that the remodeling effort is currently on hold until we see what happens with the financial situation. There is outside funding received that has to be used for that purpose, but anything that is not tied to it is on hold given the financial situation. Commissioner Tuchow inquired about non-personal services. Acting Director Assmann explained that the biggest part of non-personal services is professional services and would include other expenditures starting after the Advertising category.

Commissioner Tuchow reported that this year's budget is not that much different than last year's other than the energy figure which had been explained as being a result of the non-matching of the grant year. Commissioner King stated that he would forward any questions he had to the Operations Committee for review at their meeting. Acting Director Assmann reported that he would provide the Operations Committee with an all inclusive on and off budget.

Commissioner Wald inquired whether the prediction in reduction in grants is a reflection of the economy, or the likelihood that private foundations will have less money to give, or a reflection of the economy and government entities. Acting Director Assmann reported that it is getting more difficult to get funding and only money that is guaranteed is added to the budget; however, it is not a significant decline at this point. Also, additional grant funding would be received from pending grants. A concern was reported that there is not sufficient funding at this time for the Urban Forest and one of the Clean Air positions so the Department has to get creative in acquiring funding to make sure that these programs are carried out to full capacity.

Public Comment: Ms. Wuerfel discussed the commitment the Department is making with the Impound Account by accepting the responsibility of the General Fund shortfall by underwriting \$700,000 or \$800,000 for department diversion programs. Ms. Wuerfel stated that she is not arguing the merits, but

that a precedent is being set and the Department might not get the funding back in the future. A request was made (1) to articulate what the \$500,000 Recreation and Park Department allocation is going to be used for, whether it would be for salaries, other criterion, etc.; (2) to provide details on all underwriting under the Impound Account, especially the \$100,000 being spent for toxics reduction allocated to the Office of Contract Administration; (3) to correct the mathematical error for Administration. The amount of money that is coming from the General Fund and the Impound Account results in \$2.6 million dollars, but does not take into consideration that \$230,000 is coming from grants. It appears that there is a mathematical addition error or it is not understood what the overhead is going to be; (4) expressed her concern about the way the overhead is being allocated on FTE's because it does not appear that grants are paying their fair share. When you have \$500,000 in salaries and benefits, the \$230,000 is not a comparable way of assessing their impact on administrative activities. Ms. Wuerfel also recommended that the Department request a new source of revenue to assist in project development of the Bayview Hunters Point planning as well as for other long-term developments.

Upon Motion by Commissioner Tuchow and second by Commissioner King, the budget was approved contingent upon the Operations Committee review and approval at their next meeting (AYES: President Pelosi Jr., Vice-President Gravanis, Commissioners King, Martin, Tuchow and Wald; Absent: Commissioner Rodriguez Heyman).

8. Adoption of the Department of the Environment's Information Systems (IS) Policy. (Explanatory Document: IS Policy (Word)

<http://sfenvr.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/SFDOEInformationSystemsPolicy.doc>) Sponsor: Acting Director David Assmann, Staff Speaker: Mr. Lawrence Grodeska, Internet Communications Coordinator (Informational Report, Discussion, and Action)

Acting Director Assmann reported that the packet contains an Information Systems Policy that is a philosophy that guides the Department of Environment's Information Systems and would focus on an open standards system. The justification for an open source policy is that it gets maximum value in terms of functionality, stability, and security for the least amount of money. There is a better interoperability of information systems when you have an open system and the document would be used as a guiding document as the Department redevelops its website and moves forward with all IT Policy considerations.

Commissioner Tuchow inquired whether there are any security implications for the website with the open source policy and if there is a precedent among other City departments having open source policies. Acting Director Assmann reported that security is of utmost concern and a system would not be adopted that would not provide as much security as a proprietary system, but is not sure what the precedent is for other departments. Mr. Grodeska reported that open source systems are developed generally by a much larger pool of developers and tested by many more users so they tend to be more stable and secure systems, so security is not a concern. It was explained that as far as adoption by governing bodies, Europe tends to adopt open standards as a preferred IT procurement policy.

Upon Motion by Commissioner King and second by President Pelosi Jr., the Department of the Environment's IS Policy was adopted without objection. (AYES: President Pelosi Jr., Vice-President Gravanis, Commissioners King, Martin, Tuchow and Wald; Absent: Commissioner Rodriguez Heyman)

9. Electric Vehicle Initiative for San Francisco and the Bay Area. Sponsor: Commission President Paul Pelosi Jr.; Staff Speaker: Mr. Bob Hayden, Transportation Manager (Informational Report and Discussion)

Mr. Bob Hayden presented an update on the electric vehicle promotion program. Transcript of presentation: In November, the Mayor joined with Oakland and San Jose Mayors to announce that jointly

as a region, we would be undertaking coordinated efforts to promote and support the development of the electric and plug-in vehicle market within the Bay Area and specifically within San Francisco, we would take aggressive actions to move that whole market forward and to make the City one of the most electric vehicle ready communities and successful markets for plug-in vehicles within the coming years. About a decade ago, there was a push for battery electric vehicles that were being spurred primarily in California by the Air Resources Board with the zero emission vehicle mandates. Those vehicles basically disappeared from the market almost a decade ago but we did at that point with the help of this Commission, its predecessors, and the Department of the Environment who laid good ground work for electric vehicle infrastructure. We are now at the point where we have something to build from. The reason it is important to start building now is that virtually all of the car companies have indicated that within the next several years beginning as early as 2010, some companies will be marketing plug-in vehicles, some of them all battery electric vehicles, and some of them plug in hybrid vehicles, but the key is that they will be able to charge from electric vehicle charging stations. Mayor Newsom has taken this on in a very enthusiastic manner and made this a very high priority, and we are charging ahead in a lot of directions.

Mr. Hayden reported on the Request for Information in which the Department solicited responses from interested parties, companies and organizations, to bring ideas of how we could approach this whole process of becoming electric vehicle ready and to get an idea of what type of companies were available to work with. There was a wide range of nineteen responses, some dealing with specific vehicles that they wanted to promote and some talking about new types of charging techniques. Discussions have been entered into with quite a number of these companies to further the process along as a learning curve process. One of the things learned was that the electric vehicle chargers, the whole technology has evolved in these ten years that we were last involved in installation on City property. What has developed is that with the advent of all the information technology and high-tech networking type of capabilities, we are now entering a world of what we are calling smart chargers so we will start seeing electric vehicle chargers that aren't simply placed in a location to simply communicate with the vehicle back and forth, but they will be able to through networking capabilities, be able to be networked among themselves, and network back to the utility companies. Users can remotely access the whole network and determine where there are available chargers, utilities can work with consumers to make sure that people aren't overloading the grid system and doing all of their charging on peak, but instead shifting to off-peak charging. Those types of things are being integrated into what is being put forward.

Mr. Hayden stated that efforts have been organized into three types of activities. The first is within the City itself, to do a comprehensive plan of action so that in the next couple of years, we can be ready for these vehicles when they go on the market. The way that has been done is that an interdepartmental working group has been pulled together of nine departments that have something to do with the development of the electric vehicle programs ranging from buildings inspections, code enforcement, to our own fleet, to the PUC, to Real Estate. The second one is that we are on a rapid basis putting in a public demonstration of several chargers in Civic Center Plaza so that the public can be shown what is coming. We will initially use some of our plug-in hybrids to charge there and hope that in a couple of years we will be able to charge full battery electric vehicles there as well. The third activity is to take on very aggressively a leadership role to make this truly a regional effort so it is the Bay Area that creates a market pull in addition to just the City. It is hoped that next month the first inter-regional meeting where all of the Cities that have an interest in working with us as well as the regional government agencies, e.g. BAAQMD, MTC, ABAG, major companies and major stakeholders who have a role in this within the Bay Area, would be brought together to start a program for identifying an action plan where we can truly coordinate our activities within the next couple of years.

Public Comment: Ms. Blair (1) recommended viewing the "The Death of the Electric Car" which can be rented from the Library; (2) expressed her support of President Obama as there may now be a chance to promote the electric vehicle program; (3) asked the Commission to assist the Bicycle Coalition in acquiring

more bike lanes; (4) discussed her interest in Pedi-cabs, an alternative environmentally friendly form of transportation, which is a carriage that transports people by human pedaling; (5) requested the Commission's assistance in acquiring Pedi-cab permit approvals that are being held up by the Central Station Police Office Captain; and (6) expressed her support for electric cars.

10. Departmental Climate Action Plans Update. Sponsor: Acting Director David Assmann; Staff Speaker: Ms. Calla Ostrander, Climate Action Coordinator (Informational Presentation and Discussion)

Ms. Ostrander reported that in May 2008, Supervisor Mirkarimi's green house gas reduction ordinance required that each City department submit a Climate Action Plan that includes their best practices to the Department of the Environment by the end of January 2009. The plan was a template that asked departments to track their carbon footprint, zero waste practices, and energy efficiency and renewables. It also includes the energy ordinance and best practices required by the Public Utilities Commission (PUC) for release of fourth quarter energy related funding for departments. Ms. Ostrander reported that she has been working with departments on this effort since she started work for the Department in October. The Mayor's Office has coordinated successful strategic meetings, a few departments have turned in their action plans, and the rest are due next week. The focus of the Climate Action Plan was to acquire the basic carbon footprint for all departments that were pulled out of three specific measures (1) electricity use; (2) natural gas use; and (3) fuel use. It was explained that this simple exercise has been the most useful thing that the Climate Action Plan has done to date, and has made many departments aware of how they were tracking fuel usage, their fuel vendors, and where bills were going to. The transparency and organization that has happened because of these plans has been impressive, both with tracking facility energy use and tracking fuel use within their fleets.

Ms. Ostrander reported that the Climate Action Plan has resulted in the start of composting in City Hall bathrooms and for a number of departments starting department-wide greening, composting and recycling schemes. The object of the Climate Action Plan is to empower people within their departments to make the best changes where they see fit and for what works best for them. It was explained that departments may in the future be given their energy, water, and fuel use statistics monthly or quarterly so departments can see as they are going along exactly where most of their carbon footprint is coming from and which areas have the most potential for efficiency. It is a good feedback mechanism that if a department does a large efficiency measure, they should in the next month see a reduction in their energy use right away especially if tracking is done on a regular basis. This gives them positive feedback or reward for what they have done instead of doing it on an annual basis where it is just a routine task.

Ms. Ostrander reported that next steps include creating a database for all of the inventories including the Climate Action Plans; e.g., the community-wide inventory, California Climate Action Registry (for the municipal carbon footprint), and department Climate Action Plans. It was explained that integrating all of the inventories and keeping data in an organized centralized location would be an effective tool in helping to track reductions and will streamline staff time. A future report would be presented on what is learned from all of the Climate Action Plans. Ms. Ostrander stated that currently there are a variety of different ways that the Climate Action Plan was filled out and reported on, and that it is her job to put all of the data together and report back in a standardized fashion.

Commissioner King recommended that there should be a policy and system of recognition for department staff assigned to extra tasks that go above and beyond the call of duty. Ms. Ostrander reported that she is doing as much as she can to institutionalize the data collection that departments will be getting so that the work could be integrated into standard practices. Ideally, it is hoped that this be an institutionalized system that is accomplished with everything else. This year people who took the time and went beyond the call of duty would be commended; but going into the future it is hoped that accounting for our impact on our

environment becomes normal as to the point where we don't have to award people for doing it, but it is just standard within our bureaucratic functioning.

Commissioner Martin inquired whether the variance in reporting is a positive factor or if it would be better to provide a template. Ms. Ostrander reported that a template would be worked on for next year that would be much more specific and easier as it was frustrating for departments to work through the current template because it included a lot of verbiage without a lot of direction. Cleaning up the template would clean up the process.

Ms. Ostrander presented the adage "You can't manage what you can't measure" and the quote "Not everything that counts can be counted" Albert Einstein. It was stated that while we are all about tracking and accounting right now for our emissions, there are a number of activities, behaviors and practices that cannot easily be put into metrics that we still want to encourage among individuals and departments.

11. Program Proposals for Economic Stimulus Package. Sponsor: Acting Director David Assmann, Staff Speaker: Mr. Cal Broomhead, Energy Manager (Informational Presentation and Discussion)

Mr. Broomhead stated that three separate requests were received on very short notice to prepare ideas for the Economic Stimulus Package, and there was no criteria set for any of these requests other than ideas for programs that could start in 120 days. Mr. Broomhead discussed the lack of information provided on format except for listing the program, how much it was going to cost, and how many jobs it would create. There was no specific definition or guidance on what kind of jobs, how jobs would be counted, whether local jobs were sought after, how many dollars would be spent to create a job for one year, whether new markets would be created for businesses or if business opportunities would continue after the federal funding. It was explained that even with the lack of information provided, several ideas were put together that totaled half a billion dollars that fell into two categories, general and residential programs.

President Pelosi Jr. asked Mr. Broomhead to explain energy efficiencies, what programs should be brought forward, and what the Commission is going to do once funding is received. Mr. Broomhead reported that ideas were in general and residential sector programs. Hundreds of community workers would be trained and go door to door to educate people what they can do to reduce their energy and water use, reduce toxics, disaster preparedness, and other activities that we think a community-wide education program would do. An assessment of the homes would be prepared and semi-skilled workers would do minor home repairs and energy efficiency improvements. Full-scale home performance assessments would be implemented particularly in the low-income community to improve indoor air quality and do full insulation and retrofits of water heating and heating systems so that we get high quality and healthy homes as a result..

On the commercial side, you could do the same thing where you would subsidize people who would become commercial building improvement facilitators. It would be offered to the commercial building market at either a very low-cost or free initially to help with recycling, identifying energy efficiency opportunities, and assisting with project management that they have had a difficult time paying attention to. Training and certification of these facilitators would be required and eventually as the subsidy declines, then it is up to the building owners to take that on as a business opportunity. Commercial refrigeration and old boiler and heating systems replacement in apartment buildings were other targeted programs. It was explained that there are a lot of small commercial outfits in the City that either own or lease really old inefficient refrigeration equipment. Replacement of these units would create a few jobs locally, a lot of jobs at the manufacturing level, save a lot of energy in San Francisco, and would be good for the tax base. All together these projects would cost over half a billion dollars.

Mr. Broomhead reported that he is reviewing two draft bills that he has just received--an appropriations bill from the House of Representatives and a Senate Bill. Mr. Broomhead explained that the economic stimulus money would not be allocated to every City to get its share, but would be allocated through existing channels, programs, to states, or there may be funding available for community development block grants. There would be an application process and existing formulas for projects that would be accepted, and there may be a problem with capacity. Mr. Broomhead reported that the Mayor's Office is setting up a Task Force of City departments divided into eight issue areas under the House Bill. The first Energy Clean Tech meeting is scheduled for this Friday afternoon, and eight of these meetings would be scheduled. A deadline of February 16th has been set to determine where the opportunities are, to prioritize, and to put proposals together. President Pelosi Jr. stated that is approximately the date it would pass. Mr. Broomhead stated that the idea is to be there early with ideas in order to shape administrative systems to fit the criteria that we would like to see and to make sure that our ideas are there first so they are likely to be funded first.

12. Nomination and Election of Commission Officers. (Continued from the November 7, 2008 Special Meeting) (Discussion and Action)

Vice-President Gravanis withdrew her candidacy for Commission President and nominated Commissioner Martin. Commissioner Martin accepted the nomination. Commissioner Tuchow nominated Commissioner Pelosi Jr. for Commission President. Commissioner Pelosi Jr. accepted the nomination. On the nomination to elect Commissioner Martin for Commission President, AYES: Commissioners Gravanis, Martin and Wald; NOES: Commissioners King, Pelosi Jr., and Tuchow; Absent: Commissioner Rodriguez Heyman. TIE VOTE. On the nomination to elect Commissioner Paul Pelosi Jr. for Commission President: AYES: Commissioners King, Pelosi, and Tuchow; NOES: Commissioners Gravanis, Martin and Wald; Absent: Commissioner Rodriguez Heyman. TIE VOTE. Deputy City Attorney Barnes advised that because of the tie-votes for both nominations, the current Commission President would be a holdover candidate until the following meeting where another vote would be taken unless another motion is made at this time to reach a minimum of four votes for a candidate.

President Pelosi Jr. recommended reviewing the Commission Bylaws to prevent future conflicts on the nomination and election process and requested that the Deputy City Attorney review any possible Sunshine Ordinance violations. Commissioner King asked President Pelosi Jr. to not take this route and discussed the length of time one officer should hold a position as a consideration for future candidacy. Commissioner Martin stated that she was unaware of any lack of cooperation or effect that this process was having on the staff. Vice-President Gravanis discussed the importance of Commissioners adhering to the regular meeting schedule in order to accomplish Commission business in an effective manner.

Commissioner Martin stated that as the President she would work on the agendas well in advance of the meeting so that an overview can be given on the direction the Commission is taking; to work more on outreach, e.g., liaison with fellow agencies that are doing work in allied areas; and to follow-up on Commissioner's interests on issues. Commissioner Martin stated that she would be willing to do so in a position other than the Presidency and would be willing to change her vote. President Pelosi Jr. stated that the Department and the Commission should focus on outreach, better return on investment and employees, and to highlight the work that the Department does do that does not receive enough attention. President Pelosi Jr. stated that he would delegate working on outreach programs and Commissioner's interests on issues with the Department to the Vice-President. Commissioner Tuchow commended Commissioner Martin's request to take a more active role on the Commission. Commissioner Wald commended President Pelosi's willingness to allow someone else to step in as President at the end of this term and discussed the merits of a rotating presidency. President Pelosi Jr. suggested that the bylaws could be amended to limit the presidency to a two-year maximum so each member feels they are making a significant contribution to the Commission.

Commissioner Martin withdrew acceptance of her nomination for President, asked for a revote, and nominated Commissioner Gravanis to continue as Vice-President. Vice-President Gravanis accepted the nomination.

Public Comment: Ms. Nancy Wuerfel reminded the Commission that they do set policy and encouraged the Commission to work in the eyes of the public, e.g. meeting every month. It was explained that the Commission has a full agenda, and the budget has a lot of issues to review. Ms. Wuerfel stated that she appreciates Commissioner Martin wanting to be more active, but that would mean that the work may not be visible to the public. Ms. Wuerfel recommended that the Commission not lose what they can do as a unified body of advisors and not take on staff roles.

**On the nomination to elect Commissioner Pelosi Jr. for President, AYES: Commissioners Gravanis, King, Martin, Pelosi Jr., Tuchow, and Wald (Absent: Commissioner Rodriguez Heyman).
Commissioner Pelosi Jr. was elected as President. On the nomination to elect Commissioner Gravanis for Vice-President, AYES: Commissioners Gravanis, King, Pelosi Jr., Martin, Tuchow and Wald (Absent: Commissioner Rodriguez Heyman). Commissioner Gravanis was elected as Vice-President.**

13. Public Notice of 2009 Subscription and Renewal of Commission on the Environment and Committee Notices and Agendas as required by the Commission on the Environment Bylaws.
(Explanatory Document: Subscription Request Form (Word)
<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/Subscriptiontoagendas2009.doc>) Staff Speaker: Ms. Monica Fish, Commission Secretary (Information and Discussion)

Ms. Fish reported that the Public Notice referenced in this agenda item is issued pursuant to the Commission on the Environment's Bylaws, Article XIII-Requests for Notice and Agendas as follows: "A request from a member of the media or public to receive notices, agendas, or agenda packets for Commission or committee meetings must be in writing and specify what the person would like to receive and whether notice by email is preferred. Such requests will be valid until the following January. In January of each year, the Commission will ask each person on the list to re-affirm their desire to stay on the list for another year through a notice on the Commission's January agenda." It was explained that placing this notice on the January agenda as has been done fulfills the requirement of the Commission's Bylaws. Ms. Fish reported that there would be an edit to the notice to list the appropriate Acting Director.

14. Operations Committee Report. (Information and Discussion)
Chair's Report: Report on the October 14, 2008 Rescheduled Meeting and review of the agenda for the upcoming rescheduled meeting of February 4, 2009, at 5:00 p.m., 11 Grove Street. Ms. Fish reported that the October 14, 2008 report was given at the October 30th Commission meeting. President Pelosi Jr. reported that the Fiscal Year 2009-10 Budget would be reviewed at the Operations Committee meeting on February 4th.

15. Policy Committee Report. (Information and Discussion)
Chairs Report: Highlights of the November 17 and December 9, 2008 and January 13, 2009 meetings and review of the agenda for the February 9, 2009 meeting to be held at City Hall, Room 421. Policy Committee Chair Wald reported that the Hunters Point Shipyard/Candlestick Point project development was discussed at the December 9 and January 13 rescheduled meetings. A presentation was given and a discussion held on the Transportation Plan at the December 9 meeting, and the January 13 meeting included a presentation from Mr. Saul Bloom from Arc Ecology on their thoughts about development of the area. Committee Chair Wald expressed the Committee's appreciation to Ms. Tiffany Bohee, Office of Workforce and Economic Development, and every member of her team for their willingness to engage with

the Committee. Committee Chair Wald stated that the Committee had been very impressed with the Arc Ecology presentation and hopes that the planning team would take that presentation into account going forward. The January 13 meeting also included an overview of the Department's outreach efforts as a basis for what additional activities could be done at the Commission. At the February 9 meeting, a discussion will be heard on the status of the Urban Environmental Accords, and the Committee will select Urban Accords that this City will focus on in the coming year for recommendation to the Commission. In addition, there will be a discussion of garbage rate issues that were raised by public comment to the Committee.

16. Commission Secretary's Report. (Information and Discussion) (Explanatory Document: Commission Secretary's Report (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/012709.pdf>)

Monica Fish, Commission Secretary

- Communications and Correspondence
- Update on Pending City Legislation

Ms. Fish reported (1) on legislative updates and correspondence received; (2) that Commissioners present at today's meeting received their W2's; and (3) on requirements for submission of the annual Statement of Economic Interests Form 700 and Sunshine Ordinance and Ethics trainings. The Commission Secretary Report detail can be found in the explanatory document above.

17. Director's Report. (Information and Discussion) (Explanatory Document: Director's Report (Word)

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/DirectorsReportJanuary2009Revised.doc>)

Updates on Department of the Environment administrative and programmatic operations relating to Budget Planning, Strategic Planning, Clean Air, Climate Division, Outreach and Education Division, Environmental Justice Division, Zero Waste, Toxics Reduction Program, and the Urban Forestry Division.

Acting Director Assmann reported on highlights of the Department's administrative and programmatic operations that include (1) Toxics Reduction participated in a conference with a group of people from Sweden and Bay Area stakeholders working on chemical policy. A discussion was held on how to implement chemical policies similar to what is being done in Sweden; (2) Toxics Reduction is having their Integrated Pest Management Conference tomorrow which is now being held every two years. The conference was sold out a month and a half ago; (3) Recycling. Disposal is now at its lowest level in approximately 20 years; (4) A Request for Proposal(s) for landfill capacity will soon be issued for when our capacity runs out at Altamont Landfill. Disposal is decreasing so there is additional time--the decrease is from 12 to 14% in disposal in the last few months over the same period last year; however, that may not last when the economy starts to pick up again; (5) a lot of work is being done on potential funding from the Economic Stimulus Package that hopefully will be directed toward some of the cities; (6) working closely with CARB initiatives on climate; (7) the Energy Watch program funding will be increased in calendar year 2009 to \$7 million which will result in energy savings. There is also continuing discussion with the Public Utilities Commission on the long-term funding for that program for years after 2009; and (8) Green Cities is working on a best practices website that is targeted for completion in April. Additional detail on Department activities can be found in the Director's Report explanatory document above.

Vice-President Gravanis inquired whether there has been discussion on assessing the necessity of City air travel for business and City offsets. Acting Director Assmann stated that during these fiscal times, it is hoped that every department is analyzing whether the trips are necessary, but the Department does not have control over other department's budgets. However, through the Climate Action Plans, it is something that can be pulled out and pointed to. The Department is assessing the need for travel internally and is hoping that the carbon fee will be a deterrent for travel. In addition, work has been done with Cisco and others to try to promote web-based conferencing so meetings can be held in a virtual setting instead of in

person. It was explained that proportionately, air travel is worse than ground transportation in terms of emissions, which is another way to discourage air travel.

Vice-President Gravanis inquired about the Director's Report reference to a meeting with the Gulf of the Farallones Superintendent about wave energy. Acting Director Assmann reported that the meeting was about the Department's opposition on an application they received to put equipment at the Gulf of Farallones marine reserve. Vice-President Gravanis inquired about the definition of bee tunnels. Acting Director Assmann reported that he thinks a bee tunnel would facilitate the relocation of bees, but would report back with additional information. Vice-President Gravanis stated that she hopes that future Arbor Day activities would be held in the fall for the sake of tree preservation and water conservation.

Commissioner Tuchow inquired about the \$12 million in PG&E funds allocated to Energy Watch over the next three years. Acting Director Assmann reported that the Department is lobbying to increase \$12 million to \$21 million over three years in order to keep the same rate of \$7 million a year going forward. Commissioner Tuchow inquired about the source of the 20% administrative fee to PG&E. Acting Director Assmann reported that is a separate fee that is not from the Department's allocation of program funds. Commissioner Martin asked about the source of funds for the Energy Watch program. Acting Director Assmann reported that program funding is from rate payers--a public goods charge that is added to utility bills.

18. Announcements. (Information and Discussion) Commissioner Martin suggested that since it is difficult to speak to other Commissioners outside of a meeting, that there should be a check-in at the time of announcements to be further apprised of what Commissioners are doing individually so there is a better sense of what the Commission's direction should be collectively. Acting Director Assmann reported that the Department's budget is always due on either February 20 or 21, and it would be helpful for the Commission meeting to be scheduled closer to the time that the budget has to be submitted to account for revisions that have to be made.

19. President's Announcements. (Information and Discussion) President Pelosi Jr. stated that he has been working with Cisco and other countries around the world on Eco-Map, which will be displayed at Temple Nightclub. It was explained that Eco-Map compares one City neighborhood's zip code versus another to show its carbon footprint. It takes into account all types of transportation, power bills, and all available public data in order to make people aware of their impact and what they are doing to reduce their carbon footprint. It was explained that this project will bring a lot of visibility to the Department.

20. New Business/Future Agenda Items. (Information and Discussion) Vice-President Gravanis (1) requested a discussion on defining sponsorship of agenda items, what sponsorship responsibilities are, and setting criteria for how agenda items are set; (2) requested that the Commission schedule be followed; (3) stated that meeting every other month may not be sufficient to conduct Commission business and recommended that an additional meeting devoted to the budget be added in February; (3) requested a future discussion on making the Commission website more accessible to the public; and (4) future Bylaws amendments.

President Pelosi Jr. explained that agenda items go through the Committees, then before the Commission meeting, the Director and the President have a conference call with the Commission Secretary to review all items. Commissioners contact the President or Director with agenda items they may be interested in, and a decision is made whether those items should be included in the agenda or not. In addition, Department project managers are contacted to see if they have items to add. The President determines whether there are items of interest from staff meetings, items of interest to the public, upcoming activities of interest that the public and Supervisors may be discussing or should have input into. Vice-President Gravanis stated that she would like input from the Commission into setting criteria in terms of how to best

use the Commission's time, which items can be best put into a written report if a discussion is not expected, how many items can be fit on any particular agenda, and which items are reports that need to go to one of the Committees, but not the Commission and which should go to the Commission and not to the Committee.

21. Public Comments: Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. There was no public comment at this time.

22. Adjournment. The Commission on the Environment meeting adjourned at 7:51 p.m.

*** Copies of explanatory documents are available at (1) the Commission's office, 11 Grove Street, San Francisco, California between the hours of 9 a.m. and 5 p.m., (2) on the Commission's website at http://sfgov.org/site/sfenvironment_meeting.asp?id=61004; (3) by clicking on the links by each agenda item above, (4) upon request to the Commission Secretary, at telephone number 415-355-3709, or (5) via e-mail at Monica.Fish@sfgov.org within three business days of a meeting.*
Explanatory documents that are received after posting of this agenda are available on the website or upon request to the Commission Secretary at the contact information listed above.

Respectfully submitted by,

Monica Fish, Commission Secretary
TEL: (415) 355-3709
FAX: (415) 554-6393

*Approved: March 9, 2009



CITY AND COUNTY OF SAN FRANCISCO
COMMISSION ON THE ENVIRONMENT

GOVERNMENT
DOCUMENTS DEPT

*NOTICE OF SPECIAL MEETING AND AGENDA

Monday, March 9, 2009, 5:00 P.M.

City Hall, Room 421
San Francisco, CA 94102

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*The March 9, 2009, 5:00 p.m. Regular Meeting of the Commission on the Environment Policy Committee has been CANCELLED and will be replaced with a Special Meeting of the Commission on the same date, time and location noted above.

COMMISSIONERS: President Paul Pelosi Jr., Vice-President Gravanis, Commissioners King, Martin, Tuchow, Rodriguez Heyman and Wald

ORDER OF BUSINESS

Public comment will be taken before the Committee takes action on any item.

1. Call to Order and Roll Call.
2. Approval of Minutes of the January 27, 2009 Commission Regular Meeting. (Explanatory Document: January 27, 2009 Draft Minutes http://sfgov.org/site/sfenvironment_page.asp?id=98525) (Discussion and Action)
3. Public Comments: Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda.
4. Approval of the 2009 Reduced Risk Pesticide List. (Explanatory Documents: Resolution Approving List (Word) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/ResFile2009-01-COERevisedReducedRiskPesticidesList2009.doc> and 2009 Reduced Risk Pesticide List (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/2009%20RR%20Pesticide%20List%20with%20Intro%20&%20sorted%20by%20difference%20from%202008.%201-23-09.pdf>) Staff Presenter: Chris Geiger, Ph.D., City Toxics Reduction Coordinator (Informational Presentation, Discussion, and Action)
5. Hearing on Marin County Wastewater Treatment Infrastructure, and the Effects of Partially Treated Wastewater Spillage on the Bay Ecosystem. (Explanatory Document: Commissioner Pelosi Jr.'s Statement, "Cleaning Up Our Bay, A Regional Problem" (Word) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/CleaningUpOurBayARegionalProblemPElosiStatement.doc>) Sponsor: Commission President Paul Pelosi Jr. (Informational Presentation and Discussion)
6. Update on Lights-Out San Francisco and Coordination with the Earth Hour Project. Sponsor: Commissioner Martin; Staff Speaker: Acting Director David Assmann (Informational Report and Discussion)
7. Announcements. (Discussion)
8. New Business/Future Agenda Items. (Discussion)
9. Public Comments: Members of the public may address the Committee on matters that are within the Committee's jurisdiction and are not on today's agenda.
10. Adjournment.

Monica Fish, Commission Secretary
TEL: (415) 355-3709; FAX: (415) 554-6393

The next Meeting of the Commission on the Environment is scheduled for Tuesday, March 24, 2009, 5:00 p.m. at City Hall, Room 416.

**** Copies of explanatory documents are available at (1) the Commission's office, 11 Grove Street, San Francisco, California between the hours of 9 a.m. and 5 p.m., (2) on the Commission's website http://sfgov.org/site/sfenvironment_meeting.asp?id=61004; (3) by clicking on the links by each agenda item above, (4) upon request to the Commission Secretary, at telephone number 415-355-3709, or (5) via e-mail at Monica.Fish@sfgov.org within three business days of a meeting.** If any materials related to an item on this agenda have been distributed to the Commission after distribution of the agenda packet, those materials are available for public inspection at the Department of the Environment, 11 Grove Street, San Francisco, CA 94102 during normal office hours or will be made available at the **Commission's website http://sfgov.org/site/sfenvironment_meeting.asp?id=61004** as links to the agenda or meeting minutes (by item).

Public Comment

At this time, members of the public may address the Commission on items of interest that are within the subject matter jurisdiction of the Commission but are not on today's agenda. Public comment will be taken following each agendized item. Each member of the public may address the Commission for up to three minutes, unless otherwise announced by the President. If it is demonstrated that the comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

The Brown Act forbids the Commission from taking action or discussing any item or issue not appearing on the posted agenda. This rule applies to issues raised in public comment as well. In response to public comment, not on an agendized item, the Commission is limited to:

1. Briefly responding to statements made or questions posed by members of the public, or
2. Request staff to report back on a matter at a subsequent meeting, or
3. Directing staff to place the item or issue on a future agenda (Government Code Section 54954.2(a).)

Disability Access

The Commission on the Environment meeting is held at City Hall, Room 421 in the Civic Center Area. The Commission meeting rooms are wheelchair accessible. The closest accessible BART station is the Civic Center Station at United Nations Plaza and Market Street. Accessible MUNI lines serving this location are: #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro Stations at Van Ness and Market and at Civic Center. For information about MUNI accessible services call (415) 923-6142. There is accessible curbside parking adjacent to City Hall on Grove Street and Van Ness Avenue and in the vicinity of the Veterans Building at 401 Van Ness Avenue adjacent to Davies Hall and the War Memorial Complex.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. Individuals with chemical sensitivity or related disabilities should call the Mayor's Office on Disability at (415) 554-6789 or (415) 554-6799 (TTY) for additional information.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact Monica Fish at (415) 355-3709 to make arrangements for the accommodation. Late requests will be honored, if possible.

Know your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force, Frank Darby, Jr., Sunshine Task Force Administrator, City Hall, Room 409, One Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683 at Phone No.: (415) 554-7724; Fax No.: (415) 554-7854; E-mail: sotf@sfgov.org. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.sfgov.org.

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100, et. seq] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at: 25 Van Ness Avenue, 2nd Floor, San Francisco, CA 94102; telephone (415) 252-3100, fax (415) 252-3112, web site at www.sfgov.org/ethics.

Important Information

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

NOTE: Persons unable to attend the meeting may submit to the Commission on the Environment, by the time the proceedings begin, written comments regarding the agenda items above. These comments will be made a part of the official public record and shall be brought to the attention of the Commission on the Environment members. Any written comments should be sent to: Commission Secretary of the Environment, 11 Grove Street, San Francisco, CA 94102 by 5:00 p.m. on the day prior to the hearing. Comments that cannot be delivered to the Commission Secretary by that time may be taken directly to the hearing at the location above.

When bringing handouts to meetings, please photocopy on both sides of the paper and try to use post-consumer recycled or tree-free paper. Also, please bring sufficient copies of handouts for the Commission, the Commission Secretary and the public.

Posted: March 3, 2009



1 [2009 Revised Reduced-Risk Pesticides List]

2

3 **Resolution Adopting a Revised Reduced-Risk Pesticides List For 2009.**

4 WHEREAS, Chapter 3, Section 307(d) of the San Francisco Environment
5 Code allows the Commission on the Environment to exempt "reduced-risk"
6 pesticides from the ban imposed by the Ordinance upon a finding that the
7 "reduced-risk" pesticide is commonly used as part of an IPM strategy; and,

8 WHEREAS, The Department of the Environment has performed an
9 extensive evaluation of pesticide products that qualify as "reduced-risk"
10 pesticides in consultation with members of the public, scientists, and
11 departments and agencies of the City and County of San Francisco; and,

12 WHEREAS, The Department of the Environment has developed and
13 recommends the attached revised Integrated Pest Management Program
14 Reduced-Risk Pesticides List, hereby called the Approved List 2009, for adoption
15 by the Commission for the year 2009; and,

16 WHEREAS, The Approved List 2009 will be reviewed and updated on an
17 as-needed basis; now therefore, be it

18 RESOLVED, That the Commission on the Environment finds that the
19 pesticide products on the Approved List 2009 are "reduced-risk" pesticides
20 commonly used as part of an IPM strategy, and are therefore exempt from the
21 ban imposed by Sections 302 and 303 of the Environment Code.

22 //

1 I hereby certify that this Resolution was adopted by the Commission on the
2 Environment at its meeting on March 9, 2009.

3 _____

4 Monica Fish, Commission Secretary

5 Vote:

6 Ayes:

7 Noes:

8 Absent:



2009 San Francisco Reduced-Risk Pesticide List for City-Owned Properties

San Francisco Department of the Environment
DRAFT to be adopted by the Commission on the Environment in March 2009

How to Use this List

The following list includes pesticide products approved for use under San Francisco's Integrated Pest Management (IPM) Ordinance (Adopted 10/96, Chapter 3, SF Environmental Code).

This pesticide list should not be used in place of an IPM program. In other words, pesticides should be the last resort, when all other tactics have failed (i.e., sanitation improvements, pest prevention, non-chemical management measures).

This list is for institutions, not for homes. Many pesticides on the list were added for specialized purposes not found in residential settings. To find out how homeowners can use few or no pesticides to manage common pest problems, visit: SFEnvironment.org/IPM.

What to do if City Dept. staff or contractors would like to use a pesticide that is:

- ✓ not in the SF Approved Reduced-Risk Pesticide List
- ✓ for a use that is not in the *Limitations column* of the SF Approved Reduced-Risk Pesticide List
- ✓ not allowed in the next page called *Rodenticides Allowed (Site-Specific) For Control of Rats and Mice*

The IPM Coordinator for your City Dept. must:

1. Fill out this **Pesticide Exemption Request**. Allow at least 2 days for your request to be processed. SF Department of Environment will only grant exemptions in cases of well-documented need for the pesticide and when all other alternatives have been tried or deemed impractical. If you have more questions, contact Chris.Geiger@sfgov.org and call 415-355-3759.
2. Develop a pest management plan for preventing further use of the pesticide.
3. Justify your use of a pesticide at an annual public hearing, if you used a pesticide:
 - a. that SF Dept. of Environment approved for exemption
 - b. that is higher risk and listed as "L* = special concern" in the brown *Use Category column* of the SF Approved Reduced-Risk Pesticide List

For more information on *How San Francisco's Reduced-Risk Pesticide List Was Developed*, visit this website: SFEnvironment.org/IPMChecklist

Rodenticides Allowed (Site-Specific) For Control of Rats and Mice

Modified 2/6/08

Due to the concern over primary and secondary poisoning, the type of rodenticide and the manner in which it is applied will be determined by the general site characteristics.

Rodenticide use not allowed in this document may only be performed after applying for an exemption from SF Dept. of Environment (Chris.Geiger@sfgov.org, 415-355-3759).

DEFINITIONS:

- Landscaped area: area under cultivation
- Natural area: parklands (including any lightly managed grasslands, scrub or woodlands) with significant wildlife concern
- Primary poisoning: Non-target animal eats poison directly
- Secondary poisoning: Non-target animal eats poisoned target animal as prey
- Single-feed baits: Baits with brodifacoum, bromodialone, diethialone, cholcalciferol, or bromethalin active ingredients.

General Site Description	Allowed Rodenticide Use
Inside of sewers or sewage treatment facilities	Baits must be secured either inside the sewer or inside a bait box. Single feeding baits acceptable. Monitoring with non-toxic baits encouraged.
Commercial enterprises (such as restaurants) on leased City lands	Trapping only; single-feed rodenticides allowed as a last resort only for public health & safety considerations.
Interior of structures with occupants (i.e. office space, recreation sites)	Trapping only.
Interior of non-enclosed structures (i.e. storage, stables, airport service areas) – not adjacent to natural areas.	Trapping preferred. Secure and anchored bait stations can be placed inside on a preventative basis. <i>No single-feed baits.</i>
Exterior of structures in urbanized areas (i.e. perimeter of offices)	Trapping preferred. Secure and anchored bait stations can be placed inside on a preventative basis. No single-feed baits.
Exterior of structures in natural areas	Multiple feeding baits may be used only as last resort in case of human health concern or structural integrity. Baits must be secured within bait boxes or buried in burrows. <i>No pellets or single-feed rodenticides.</i>
Landscape not adjacent to a natural area	Bait placed deep inside burrows, minimize use of pellets, mouse sized pellets only, must be buried deep in the burrow. No single-feed baits.
Natural area or landscape adjacent to a natural area	Multiple feeding baits may be used only as last resort in case of human health concern or structural integrity. Baiting should be limited to sensitive sites such as campfire areas, or on preventing infestation of structures. Baits must be secured inside bait boxes or burrows. No use of pellets or single feeding rodenticides.



City & County of San Francisco
2009 List of 75 SF Approved Reduced-Risk Pesticides
SORTED BY PRODUCT NAME
DRAFT 1/22/09

**KEY**

Pesticide Types: A=adjuvant, F=fungicide, H=herbicide, I=insecticide, M=molluscicide, P=plant hormone, V=vertebrate control, W=herbicide in water, Z=public health/ mosquitoes

Hazard Tier: I = highest hazard, III = lowest hazard

EPA Reg #: US EPA registration number, from Dept. of Pesticide Regulation databases. INACTIVE = inactive registration, which means the product will no longer be sold.

NOTE: The first two groups of EPA registration numbers (XXXX-XXX) identify the product ingredients. Any registered product names with these two groups of numbers are considered to be listed products.

NOTE: Mosquito control products are listed separately at the bottom of the list

Product Name	Ingredients	EPA Reg #	Pesticide Type	Use Category	Hazard Tier	Limitations / Notes	Difference from 2008 List
Safer Brand Ant & Crawling Insect Killer	Diatomaceous earth 77.69%	59913-1	I= insecticide	A = Allowed	III - lowest hazard	Use only for structural pest control with a respirator while controlling crawling insects (i.e., ants, bed bugs, silverfish).	ADDED to 2009 list. Reason: needed for bedbugs and other structural pests.
Advion Ant Bait Arena (Dupont)	Indoxacarb 0.1%	352-664	I= insecticide	A = Allowed	III - lowest hazard		ADDED to 2009 list. Reason: New active ingredient with minimum risk.
Advion Ant Gel (Dupont)	Indoxacarb 0.05%	352-746	I= insecticide	A = Allowed	III - lowest hazard		ADDED to 2009 list. Reason: New active ingredient with minimum risk.
Advion Cockroach Bait Arena (Dupont)	Indoxacarb 0.5%	352-668	I= insecticide	A = Allowed	III - lowest hazard		ADDED to 2009 list. Reason: New active ingredient with minimum risk.
Advion Cockroach Gel Bait (Dupont)	Indoxacarb 0.6%	352-652	I= insecticide	A = Allowed	III - lowest hazard		ADDED to 2009 list. Reason: New active ingredient with minimum risk.
Garlon 4 Ultra	triclopyr, butoxyethyl ester 60.45%	62719-527	H=herbicide	L* = limited use, special concern	I - highest hazard	Use only for targeted treatments of invasive exotics via dabbing or injection. HIGH PRIORITY TO FIND ALTERNATIVE.	ADDED to 2009 list. Reason: New formulation of Garlon 4. Inerts (methylated seed oils) are at least as safe or safer than current product.

Product Name	Ingredients	EPA Reg #	Pesticide Type	Use Category	Hazard Tier	Limitations / Notes	Difference from 2008 List
Gentrol Point Source Roach Control Device	Hydroprene 96%	2724- 469	I = insecticide	A = Allowed	III - lowest hazard		ADDED to 2009 list Reason: Synergistic effects with baits make this a desirable tool
Prescription Treatment Brand Avert Cockroach Gel Bait Formula 3	abamectin 0.05%	499-410-AA	I = insecticide	A = Allowed	I - highest hazard	Phase out - use existing supplies. <i>Tier I status is due to reproductive toxicity but exposure scenarios suggest minimal risk</i>	CHANGED the following: Added italicized language. Hazard tier changed from II to I due to repro toxicity. Minimum risk but safer alternatives exist
Orange Guard	d-limonene 5.8%	61887-1	I = insecticide	L = limited use	III - lowest hazard	Minimize use in enclosed areas due to scent. Wear protective equipment. Potential aquatic hazard - do not apply directly to water.	CHANGED the following: Added the language in the Limitations Column on wearing protective equipment because this product is a skin sensitizer.
Milestone	Aminopyralid, tri-sopropanolamine salt (5928) 40.6%	62719- 519	H = herbicide	L* = limited use, special concern	I - highest hazard	For invasive species in natural areas where other alternatives are ineffective, especially for invasive legumes and composites such as yellow star thistle and purple star thistle. Listed as Tier I due to persistence but toxicity & potential exposure are very low.	CHANGED the following: Changed Use Category from L* to L due to low toxicity, low potential for exposure.

Product Name	Ingredients	EPA Reg #	Pesticide Type	Use Category	Hazard Tier	Limitations / Notes	Difference from 2008 List
20 Mule Team Tim-Bor Industrial	disodium octaborate, tetrahydrate 98%	1624-39	I = insecticide	L = limited use	I - highest hazard	For control and prevention of termites, wood-destroying beetles, and carpenter ants. Recommendation of Branch III pest control operator required for termites and beetles; recommendation of Branch II pest control operator required for carpenter ants. <i>Tier I status is due to male reproductive hazards, but exposure scenarios suggest minimal risk</i>	CHANGED the following: 1) Added italicized language. 2) Hazard tier changed from II to I due to repro toxicity.
Prescription Treatment Brand Advance Liquid Ant Bait	borax 1.3% 56-72-AA-499 (INACTIVE) 499-491 (ACTIVE)		I = insecticide	A = Allowed	I - highest hazard	<i>Tier I status is due to reproductive toxicity but exposure scenarios suggest minimal risk</i>	CHANGED the following: 1) Added italicized language. 2) Hazard tier changed from II to I due to repro toxicity.
Terro Ant Killer II, Terro Ant Killer II Liquid Ant Baits, Terro PCO	sodium tetraborate decahydrate 5.4%	149-8	I = insecticide	A = Allowed	I - highest hazard	<i>Tier I status is due to reproductive toxicity but exposure scenarios suggest minimal risk</i>	CHANGED the following: 1) Added italicized language. 2) Hazard tier changed from II to I due to repro toxicity.
Niban Granular Bait (equivalent to Terro Multipurpose Ant Bait)	boric acid 5%	64405-2	I = insecticide	L = limited use	I - highest hazard	Outdoor restricted to planted areas, prefer containers; indoor must be in containers or inaccessible to humans. <i>Tier I status is due to reproductive toxicity but exposure scenarios suggest minimal risk</i>	CHANGED the following: 1) Added italicized language in Limitations column. 2) Hazard tier changed from II to I due to reproductive toxicity.

Product Name	Ingredients	EPA Reg #	Pesticide Type	Use Category	Hazard Tier	Limitations / Notes	Difference from 2008 List
Prescription Treatment Brand Avert Cockroach Bait Station	abamectin 0.05%	499-467-AA	I = insecticide	A = Allowed	I - highest hazard	Phase out - use existing supplies. <i>Tier I status is due to reproductive toxicity but exposure scenarios suggest minimal risk</i>	CHANGED the following: Added italicized language. Hazard tier changed from II to I due to repro toxicity. Minimum risk but safer alternatives exist.
Aquamaster Herbicide (equivalent to Rodeo)	glyphosate, isopropylamine salt 53.8%	524-343	W = herbicide in water	L = limited use	II	May damage non-target plants. Use for emergent plants in ponds, lakes, drainage canals, and areas around water or within watershed areas. Only as a last resort when other management practices are ineffective.	CHANGED the following: Added language on endangered species restrictions (from US EPA stipulated injunction)
Roundup Pro Herbicide	glyphosate, isopropylamine salt 41%	524-475	H = herbicide	L = limited use	II	Spot application of areas inaccessible or too dangerous for hand methods, right of ways, utility access, or fire prevention. Use for cracks in hardscape, decomposed granite and edging only as last resort. OK for renovations but must put in place weed prevention measures. Note prohibition on use within buffer zone (generally 60 feet) around water bodies in red-legged frog habitat.	CHANGED the following: Added language on endangered species restrictions (from US EPA stipulated injunction)
Roundup ProDry Herbicide	glyphosate, ammonium salt 71.4%	524-505	H = herbicide	L = limited use	II	Same limitations as Roundup Ultra	CHANGED the following: Added language on endangered species restrictions (from US EPA stipulated injunction)

Product Name	Ingredients	EPA Reg #	Pesticide Type	Use Category	Hazard Tier	Limitations / Notes	Difference from 2008 List
Turfion Ester	triclopyr, butoxyethyl ester 61.6%	62719-258	H = herbicide	L* = limited use, special concern	I - highest hazard	Targeted treatment of turf; broadcast application requires exemption. HIGH PRIORITY TO FIND ALTERNATIVE. Note prohibition on use within buffer zone (generally 60 feet) around water bodies in red-legged frog habitat.	CHANGED the following: Changed tier to L* from L due to new data on reproductive toxicity. Added language on endangered species restrictions (from US EPA stipulated injunction)
Avid 0.1SEC Miticide/Insecti- cide	abamectin 2%	618-96- AA(INACTI- VE) 100- 896(ACТИ- E)	I = insecticide	L* = limited use, special concern	I - highest hazard	Nursery use only.	CHANGED the following: Hazard tier changed from II to I due to repro toxicity.
Maxforce FC Professional Insect Control Ant Bait Stations	fipronil 0.01%	64248-10- ZA- 64248(INA CTIVE); 432- 1256(ACТИ VE)	I = insecticide	A = Allowed	II		CHANGED the following: Use Category is now Allowed (was Limited Use).
Maxforce FC Professional Insect Control Roach Bait Stations	fipronil 0.05%	64248-11 (INACTIVE) 432- 1257 (ACTIVE)	I = insecticide	A = Allowed	II		CHANGED the following: Use Category is now Allowed (was Limited Use).
Maxforce FC Professional Insect Control Roach Killer Bait Gel	fipronil 0.01%	64248-14 (INACTIVE) 432-1259 (ACTIVE)	I = insecticide	A = Allowed	II		CHANGED the following: Use Category is now Allowed (was Limited Use).
Garlon 4	triclopyr, butoxyethyl ester 61.6%; nonpetroleum- based methylated seed oils	62719-40	H = herbicide	L* = limited use, special concern	I - highest hazard	Use only for targeted treatments of invasive exotics via dabbing or injection. HIGH PRIORITY TO FIND ALTERNATIVE	CHANGED the following: Was L, now L*
3336 WP Turf & Ornamental Fungicide	thiophanate- methyl 50%	1001-63-AA	F = fungicide	L* = limited use, special concern	I - highest hazard	For use on golf courses only. HIGH PRIORITY TO FIND ALTERNATIVE	
Agri-Fos Systemic Fungicide	potassium phosphite 45.8%	71962- 1	F = fungicide	A = Allowed	III - lowest hazard	For use on high-value oaks (<i>Quercus</i> spp.) susceptible to Sudden Oak Death	

Product Name	Ingredients	EPA Reg #	Pesticide Type	Use Category	Hazard Tier	Limitations / Notes	Difference from 2008 List
Andersons Golf Products K-O-G Weed Control (equivalent to ProTurf K-O-G Weed Control)	dicamba 0.7%	538-112-AA 538 (INACTIVE) 9198-184-AA (ACTIVE)	H = herbicide	L* = limited use, special concern	I - highest hazard	Spot application on greens only when hand-weeding is not feasible. Only for <i>Soliva sessilis</i> and <i>Cotula mexicana</i> in golf greens. Require comparison with Vanquish, handweeded section of bowling greens. HIGH PRIORITY TO FIND ALTERNATIVE.	
Andersons Golf Products Systemic Fungicide (equivalent to ProTurf Systemic Fungicide)	thiophanate-methyl 2.3%	538-88	F = fungicide	L* = limited use, special concern	I - highest hazard	Greens, highest profile athletic fields. HIGH PRIORITY TO FIND ALTERNATIVE	
Azatin XL	azadirachtin 3%	70051-27	I = insecticide	L = limited use	III - lowest hazard	Nurseries and established plants for interiorscapes.	
Azatrol EC Insecticide	Azadirachtin (2328) 1.2%	2217-836	I = insecticide	A = Allowed	III - lowest hazard		
BotaniGard ES	<i>Beauveria bassiana</i> strain GHA 11.3%	65626-8 [INACTIVE]	I = insecticide	L = limited use	III - lowest hazard	Control of thrips on landscaped plants. Biological product but some concern over bee toxicity.	
CMR Silicone Surfactant	polymethyl-siloxane, nonionic	1050775-50025-AA (inactive) now exempt	A=adjuvant	L = limited use	III - lowest hazard	Use other alternatives pending new review of siloxanes	
Conserve SC Turf and Ornamental	spinosad 11.6%	62719-291	I = insecticide	L = limited use	I - highest hazard	For use as a last resort in greenhouses. If feasible, alternate with other products to avoid the development of resistance.	

Product Name	Ingredients	EPA Reg #	Pesticide Type	Use Category	Hazard Tier	Limitations / Notes	Difference from 2008 List
Contrac All-Weather Blox	bromadiolone 0.005%	12455-79-AA	V=vertebrate control	L* = limited use, special concern	I - highest hazard	For use only in City-owned sewer lines or for commercial leaseses on city property that are not adjacent to natural areas. In commercial establishments, use of product shall be a last resort after other, less-toxic measures have been implemented, including sanitation and trapping. In sewers, monitoring shall be used whenever feasible to minimize rodenticide use.	
Dipel Pro DF	<i>Bacillus thuringiensis</i> , Subsp. Kurstaki, Strain Abts-351 (5829) 54%	73049- 39	I = insecticide	A = Allowed	III - lowest hazard		
Earth-Tone Horticultural Oil (equivalent to Concern For The Earth, For the Earth Pesticidal Spray Oil Dormant And Growing Season Insect Spray)	canola oil 96%	67702- 4	I = insecticide	A = Allowed	III - lowest hazard		
EcoExempt G	eugenol (clove oil) 2.9%, thyme oil 0.6%, plant oils and other ingredients 96.5%	Exempt from EPA Reg.	I = insecticide	A = Allowed	III - lowest hazard	Do not use in enclosed areas.	
EcoExempt HC	eugenol (clove oil) 21.4%; 2-phenethyl propionate 21.4%	Exempt from EPA Reg.	H = herbicide	L = limited use	III - lowest hazard	Do not use in enclosed areas.	
Enstar II Insect Growth Regulator (Enstar 5E)	S-kinoprene 64.1%	55947-82-ZA-55947 (INACTIVE) 2724-476 (ACTIVE)	I = insecticide	L = limited use	III - lowest hazard	Nurseries, roses.	

Product Name	Ingredients	EPA Reg #	Pesticide Type	Use Category	Hazard Tier	Limitations / Notes	Difference from 2008 List
EZject Selective Injection Herbicide	glyphosate, isopropylamine salt 83.5%	524-435-AA 524(INACTIVE) VE 83220-1 (ACTIVE)	H = herbicide	L = limited use	II	Tree stump injection especially where resprouting is likely, prefer mechanical methods when possible such as stump grinding	
Heritage Fungicide	azoxystrobin 50%	100- 1093-AA	F = fungicide	L* = limited use, special concern	I - highest hazard	Consider/emphasize use of compost tea for preventative; improve aeration and monitoring programs. To be used only as a spot treatment on high profile sports greens.	
Javelin WG	<i>Bacillus thuringiensis</i> (berliner), subsp. kurstaki, strain sa-11 7.5%	70051-66	I = insecticide	A = Allowed	III - lowest hazard		
JMS Stylet Oil	petroleum distillates, refined 97.1%	65564- 1	I = insecticide, F = fungicide	A = Allowed	II	Use up existing stock only for Rec&Park and SFIA.	
JT Eaton Answer for the Control of Pocket Gophers	diphacinone 0.005%	56-57	V = vertebrate control	L = limited use	II	Damage to: dams, levees, athletic fields, active recreation areas, structures, high cultural value or landmark areas. Public Health concerns. HIGH PRIORITY TO FIND ALTERNATIVE	
JT Eaton Bait Block Rodenticide with Molasses/Peanut Butter Flavorizer	diphacinone 0.005%	56-42	V = vertebrate control	L = limited use	II	Damage to: dams, levees, athletic fields, active recreation areas, structures, high cultural value or landmark areas. Public Health concerns. HIGH PRIORITY TO FIND ALTERNATIVE	
JT Eaton's Bait Blocks Rodenticide with Apple Flavorizer	diphacinone 0.005%	56-41 [INACTIVE]	V = vertebrate control	L = limited use	II	Concern over 2nd poisoning, see site specific limits. HIGH PRIORITY TO FIND ALTERNATIVE	
Kaligreen	potassium bicarbonate 82%	70231-1-AA (INACTIVE) 11581-2 (ACTIVE)	F = fungicide	A = Allowed	III - lowest hazard	Watch for phytotoxicity.	

Product Name	Ingredients	EPA Reg #	Pesticide Type	Use Category	Hazard Tier	Limitations / Notes	Difference from 2008 List
Marathon 1% Granular Greenhouse & Nursery	imidacloprid 1%	3125-452-AA (INACTIVE) 59807-7 (ACTIVE)	I = insecticide	L* = limited use, special concern	I - highest hazard	Nursery use for control of white fly, not for use in propagation beds. Only effective on quick-growing plants. HIGH PRIORITY TO FIND ALTERNATIVE	
Marathon II Granular Greenhouse & Nursery	imidacloprid 21.4%	432-1369	I = insecticide	L* = limited use, special concern	I - highest hazard	Nursery use only for control of mealybug, scale, and other insects. Only for use on fast-growing specimen plants for which Marathon 1% does not work.	
M-pede Insecticide/Fungicide	potash soap 49%	53219-6-ZC (INACTIVE) ; 62719-515 (ACTIVE)	I = insecticide	L = limited use	III - lowest hazard	Nursery, specialty gardens, and Africanized Honey Bees.	
OhYeah!	sodium lauryl sulfate	Exempt from EPA Reg	I = insecticide	A = Allowed	III - lowest hazard		
Organic JMS Stylet Oil	Aliphatic petroleum solvent 97.1%	65564- 1	I = insecticide, F = fungicide	A = Allowed	II	Use up existing stock only for Rec&Park and SFIA.	
Oust XP Herbicide (DuPont)	sulfometuron-methyl 75%	352-601-AA	H = herbicide	L* = limited use, special concern	I - highest hazard	For use only on airport operational areas subject to FAA requirements. HIGH PRIORITY TO FIND ALTERNATIVE	
Prescription Treatment Brand Wasp-Freeze Wasp and Hornet Killer Formula 1	phenothrin 12%, d-trans allethrin .129%, CO2	499-362	I = insecticide	L = limited use	II	Use only when a concern for public safety. Consider Victor Poison Free Wasp & Hornet Killer as a first resort.	
Roach Terminal	oxypurinol 1%, xanthine 1%	1001-73 (INACTIVE)	I = insecticide	A = Allowed	III - lowest hazard	Consider using this first before trying other roach products.	

Product Name	Ingredients	EPA Reg #	Pesticide Type	Use Category	Hazard Tier	Limitations / Notes	Difference from 2008 List
Rootone F Brand Rooting Hormone	Thiram 4.04%, NAD .2%	264-499	F = fungicide	L* = limited use, special concern	I - highest hazard	Nursery use only. Problem with mixing and storage due to talc. Consider Dip'n Grow as alternative.	
RootShield Granules, TurfShield Granules	<i>Trichoderma harzianum</i> Rifai Strain Krl-Ag2 (3977) 1.15%	68539-3	F = fungicide	A = Allowed	III - lowest hazard		
Saf-T-Side	paraffinic oil 80%	48813-1	I = insecticide	L = limited use	II	Use up existing stock only. Try Spraytech first.	
Sluggo Slug and Snail Bait	Phosphonic acid, iron(3+) salt (1:1) 1%	67702- 3	M=mollusci cide	A = Allowed	III - lowest hazard		
Sonar A.S.	fluridone 41.7%	67690-4	W = herbicide in water	L = limited use	III - lowest hazard	Emergent plants in ponds, lakes, drainage canals. Only as a last resort when other mgmt. practices are ineffective.	
Spraytech Oil	soybean oil	65328-50001-AA	A=adjuvant	A = Allowed	III - lowest hazard	Consider using this instead of JMS Stylet Oil for aphids and other insects.	
Top Gun All Weather Bait Block Rodenticide	bromethalin 0.01%	67517- 66	V=vertebrat e control	L* = limited use, special concern	II	For use only in City-owned sewer lines or for commercial leasees on city property that are not adjacent to natural areas. In commercial establishments, use of product shall be a last resort after other, less-toxic measures have been implemented, including sanitation and trapping. In sewers, monitoring shall be used whenever feasible to minimize rodenticide use.	

Product Name	Ingredients	EPA Reg #	Pesticide Type	Use Category	Hazard Tier	Limitations / Notes	Difference from 2008 List
TurfShield (was called) T-22G BIOLOGICAL PLANT PROTECTANT GRANULES (now called)	Trichoderma harzianum Rifai Strain Krl-Ag2 (3977) 1.15%	68539-3	F = fungicide	A = Allowed	III - lowest hazard		
Victor Poison Free Flying Insect Killer	Mint Oil 4.0%, Sodium Lauryl Sulfate 0.1%, Inert Ingredients 95.9%, Water 93.4% CO ₂	exempt from EPA Reg.	I = insecticide	A = Allowed	III - lowest hazard	Limit use indoors.	
Victor Poison Free Wasp & Hornet Killer	Mint Oil 8.0%, Sodium Lauryl Sulfate 1.0%, Inert Ingredients 91.0%, Water	exempt fro EPA Reg. UPC #00728681 36047	I = insecticide	A = Allowed	III - lowest hazard	Try this instead of PT Brand Wasp Freeze	
Zoecon Gentrol IGR Concentrate	hydroprene 9%	2724-351	I = insecticide	A = Allowed	III - lowest hazard		
Mosquito control - microbial							
Mosquito control - microbial			Z=public health/ mosquitoes	A = Allowed	III - lowest hazard	Any microbial mosquito larvicide with active ingredients <u>Bacillus thuringiensis</u> (Berliner or Israeleensis) or <u>Bacillus sphaericus</u> is categorized as "A" - allowed.	
Mosquito control - Insect Growth Regulators							
Altosid Briquets by Zoecon (was called) ALTOSID BRIQUETS	S-Methoprene (5026) 8.62%	2724-375	Z=public health/ mosquitoes	L = limited use	I - highest hazard		
Zoecon Altosid Liquid Larvicide Mosquito Growth Regulator (was called) ALTOSID LIQUID	S-Methoprene (5026) 5%	2724- 392	Z=public health/ mosquitoes	L = limited use	I - highest hazard	Not for use in estuarine environments, except for San Mateo Mosquito	CHANGED the following info: Any microbial mosquito larvicide with active ingredients <u>Bacillus thuringiensis</u> (Berliner or Israeleensis) or <u>Bacillus sphaericus</u>

Product Name	Ingredients	EPA Reg #	Pesticide Type	Use Category	Hazard Tier	Limitations / Notes	Difference from 2008 List
Zoecon Altosid Pellets (was called) ZOECON RF-330 ALTOSID PELLETS (now Zoecon Altosid XR Extended Residual Briquets (was called) ZOECON RF-292 BRQUIET (now Zoecon Altosid XR-G (was called) ZOECON 9010 GR (now called)	S-Methoprene (5026) 4.25% S-Methoprene (5026) 2.1%	2724- 448 2724- 421	Z=public health/ mosquitoes Z=public health/ mosquitoes Z=public health/ mosquitoes	L = limited use L = limited use L = limited use	I - highest hazard I - highest hazard I - highest hazard	Canmosquito Abatement District applications at airport and Sharp Park. For City catchment basins, microbial products are preferred when feasible.	Microbial sprays/mixes is categorized as "A" allowed. Due to number of microbial laricides used by vector control agencies, and the low risk involved, it makes more sense to simply define the active ingredient for this class of pesticides.
Mosquito control - Other							
Agnique MMF (was called) AGNIQUE MMF GR MOSQUITO LARVICIDE & PUPICIDE (now)	poly(oxy-1,2-ethanediyl),alpha- a-isodecyl- omega-hydroxy- phosphate 32%	2302-14-AA (INACTIVE) 53263- 30 (ACTIVE)	Z=public health/ mosquitoes	L = limited use	I	Mosquito larvicide for standing water, human health concerns, especially where spreading a distance along the surface is not	
Golden Bear Mosquito Larvicide GB-1111 (was called) MOSQUITO LARVICIDE GB-1111 (now called)	Aliphatic Petroleum Hydrocarbon 98.7%	8329- 72	Z=public health/ mosquitoes	L = limited use	I	Apply as a mosquito larvicide only in conjunction with appropriate prevention measures (such as increasing water flow), or when prevention measures are impractical. Use within requirements on vector control activities set by the Calif. Dept. of Health Services.	

San Francisco Department of the Environment Factsheet
California Red-Legged Frog (CRLF), *Rana aurora draytonii*,
Stipulated-Injunction Regarding Pesticide Use in Critical Habitat
Reference US-EPA website: <http://www.epa.gov/espp/litstatus/redleg-frog/rif.htm>
Updated 1/1/09

Legal Action & the Stipulated Injunction

On April 2, 2002 the Center for Biological Diversity filed a lawsuit against the EPA for violating the Endangered Species Act by failing to ensure that EPA's registration of 66 pesticides do not adversely affect the California red-legged frog (a threatened species native to California).



California Red-Legged Frog, *Rana aurora draytonii*, note the characteristic red skin fold (arrow) running from the eyes to the tail.
Photo courtesy of www.californiaherps.com

To resolve the case, on October 20, 2006 the Courts issued a Stipulated Injunction. It requires EPA to determine the effects of 66 pesticide AIs (Active Ingredients) on the California Red-Legged Frog (CRLF) and to amend the labels and use restrictions based on their findings. The US-EPA has 36 months to evaluate all 66 of the AIs.

In the interim, restrictions are in place on the use of products containing the 66 AIs.

The injunction can be viewed at:
<http://www.epa.gov/espp/litstatus/stipulated-injunction.pdf>

Affected Areas:

This ruling affects areas in 32 California Counties, including San Francisco, San Mateo, Santa Clara, Alameda, Contra Costa, and counties containing SF rights-of-way up to Hetch-Hetchy Reservoir. Detailed county maps can be found on-line at:
<http://www.epa.gov/espp/litstatus/redleg-frog/steps-info.htm> (Click on the County of interest)

How Does This Affect You?

If you plan to use one of the 66 AIs listed at the end of this factsheet, visit the map link above to see if your site is located in either critical or non-critical habitat. If it is, here is a summary of how your applications are affected (restrictions are the same for critical and non-critical habitat).

- All still or slow-moving fresh-waterbodies in affected areas – natural and man-made, permanent and temporary – are considered habitat and are subject to the restrictions.
- Ground Applications: Do not apply products with listed AIs in the water, in the 200-foot upland habitat surrounding the water, or in the 60-foot buffer zone around the upland habitat. That amounts to a **260-foot zone around any water body in affected areas**. Aerial applications: observe a 200-ft buffer around the 200-ft upland habitat area.
- Upland habitat includes all areas within 200 feet of the mean high water mark where the frog can find shelter, refuge from predators, or rest, and includes rocks, organic debris, small mammal burrows, moist leaf litter or manmade features.
- Your application is subject to a **reduced buffer zone of only 60 feet** (200 foot upland habitat zone does not apply) for the following uses: Localized spot treatments using handheld devices on rights-of-way, roadsides, **pastures, lawns, or forests**; spot treatments of wasp and hornet nests; individual tree removal using cut stump applications; basal bark application to individual plants; use of pesticides in bait stations.

Products Affected for San Francisco Staff:

Pesticides in the injunction that are on the SF Reduced Risk Pesticide List are those containing glyphosate (Roundup & Rodeo®), imazapyr (Habitat®) and triclopyr (Turflon Ester® & Garlon 4®). Methoprene (Zoecon Altosid products) is no longer covered by this injunction; the USEPA has determined that it has no effect on red-legged frog populations. The Reduced-Risk Pesticide List limits pesticide use only on properties of the City & County of San Francisco.



Cleaning up our Bay, a regional problem

In January, Bay area residents were upset to learn that the Sausalito-Marin Sanitary District had spilled somewhere between 300,000, to as much as 500,000, gallons of partially treated wastewater into San Francisco Bay. This latest incident should serve as a wake up call to the entire Bay area community to abandon the same old outrage, investigation, finger pointing, imposition of fines cycle and immediately do the hard work of a comprehensive, all hands-on-deck approach to clean-up and remediation of San Francisco Bay that, to our shame, we have never mustered the political will to put in place.

What is the shame? I say shame because for several years now, we have all known about, and simply lived with, the Marin County sewage spillage problem. In 2004, a Marin County grand jury found that “accidental releases” were already an established problem. For the past several years, Marin’s Fort Baker treatment facility has been cited for chronic violations.

While the massive spills in January made the headlines, records show that such catastrophes are par for the course. In 2008 alone, Marin was responsible for 270 sewage spills. One of those spills was an astonishing 962,000 gallons—and one topped 2,450,000 gallons.

If we are going to really solve the sewage spillage issue and make San Francisco Bay a clean and thriving ecological system, we need to realize that it is not, and cannot be, all about Marin. The Bay is a shared ecosystem, and we all need to share in the clean-up, maintenance and enforcement of that ecosystem.

The underlying problems which Marin faces are large and systemic—much larger than any one local jurisdiction should be expected to face on its own. Marin’s sewer pipes, for instance, were installed more than 70 years ago; some are even made of clay. Parts of the Sausalito treatment facility were built as far back as 1953. Institutionally, the lines of authority seem as convoluted and entangled as the pipes themselves: in Southern Marin alone, nine separate water treatment districts oversee wastewater treatment in an area of just twenty-three square miles.

The infrastructure requirements to bring the Marin facilities into compliance with federal and state laws and regulations are, from a local budgetary perspective, insurmountable. But they match perfectly with the investment and funding commitment that the Administration of President Barack Obama has recently announced.

President Obama’s new environmental team led by Carol Browner and Lisa Jackson have announced that one of the Obama Administration’s top priorities is to fund much needed water quality projects, such as what will be required to bring the Marin facilities into compliance with federal and state laws and regulations.

But before we ask for our fair share of available federal funds, we need to demonstrate to Washington that we are ready to break out of the same old “find-and-fine” pattern and address the sewage spillage problem in a comprehensive and lasting way. We must ask ourselves whether we are ready to put aside traditional jurisdictional lines

and, move beyond the rhetoric, and address the Marin sewage spillage problem as the regional problem that it is.

To get the ball rolling, I will be calling a series of public hearings at the San Francisco Commission on the Environment, the first one at 5 p.m. Monday, March 9, in City Hall room 421. I want to hear comments from the public-at-large, NGOs, academics, and private sector engineers, which we can then share with Marin County.

We all share the beautiful San Francisco Bay. It is incumbent upon all of us to make sure we leave our environment better off for this generation and those to come.

Paul Pelosi, Jr.
President, San Francisco Commission on the Environment

CITY AND COUNTY OF SAN FRANCISCO
COMMISSION ON THE ENVIRONMENT

GOVERNMENT
DOCUMENTS DEPT

SPECIAL MEETING
DRAFT MINUTES

MAR 20 2009

MONDAY, MARCH 9, 2009, 5:00 P.M.
CITY HALL, ROOM 421, SAN FRANCISCO, CA 94102

SAN FRANCISCO
PUBLIC LIBRARY

COMMISSION MEMBERS: Commissioners Paul Pelosi Jr. (President), Ruth Gravanis (Vice-President), Angelo King, Darian Rodriguez Heyman, Jane Marie Francis Martin, Matt Tuchow, Johanna Wald

ORDER OF BUSINESS

Public comment will be taken before the Commission takes action on any item.

1. **Call to Order and Roll Call.** The Commission on the Environment Meeting convened at 5:09 p.m. Present: Vice-President Gravanis, Commissioners Martin, Tuchow and Wald. Excused: Commissioners King, Pelosi Jr. and Rodriguez Heyman.
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3. **Public Comments:** Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda.

Mr. Craig Williams presented information and discussed advantages of Clean Energy Reverse Mortgages. (Explanatory Document: Clean Energy Reverse Mortgages (CERM)) Commissioner Martin recommended that Mr. Williams review San Francisco's draft legislation to develop a loan program that would function similarly for energy improvements to include solar but not exclusively.
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Dr. Geiger reported that every year a series of meetings are held to review the Reduced Risk Pesticide List for City-owned properties to determine whether products are really needed, if they are being used, if they work, and if there is something safer available that can be used instead. This process was completed in November and December of 2008 and fewer changes were made this year than before. It was reported that seven products are being added, most of which are reduced risk products, and 17 changed, which includes language changes to the list. Major changes include (1) adding a new class of reduced risk products for ants; and (2) two chemicals *triclopyr* and *abamectin* have moved up in the hazard list because of new data received.

Dr. Geiger reported on his efforts to implement two recommendations within the next two months that include: (1) one of the herbicides used at Sharp Park Golf Course, dicamba, has a negative rating for endangered species risk and an alternative should be found for golf courses, which are the only places where it is used, that have endangered species concerns. It was recommended that the list be amended to account for this revision; and (2) it is expected that rodenticides would be removed from the list to control gophers because they do not work effectively.

Commissioner Tuchow inquired about the effort to keep up with the products that are being developed in a field that is constantly evolving and changing. Dr. Geiger stated that discussions are held with the pest managers, products are researched, and when there is a need, additional research is done, and new products are screened to identify potential hazards. Meetings are then held with the group of pest managers to talk about exposure and suggested use. Products are screened based on pests and other things that are discovered. Commissioner Tuchow inquired if there was a process for reviewing the highest tier of toxic chemicals on a periodic basis to see if there are less toxic alternatives to replace them with. Dr. Geiger reported that review is done annually on alternatives that might be available with review of Tier 1 products having the highest priority. One problem is that there is such a huge variety of Tier 1 products.

Dr. Geiger reported that this effort is now tied into the LEED Green Building system for certification on existing buildings, and the technical reference standard for pest management refers readers to the San Francisco hazard screening list.

Commissioner Martin inquired whether a proactive effort is being made to encourage and place bat boxes, owl boxes, and to make raptor perches to compensate, offset, and mitigate chemical use and the need for the use of even Tier 3 products. Dr. Geiger reported that the Public Utilities Commission (SFPUC) is experimenting with owl boxes. The Recreation and Park Department has tried raptor perches at various times in the past but they don't have an active program at this time. The problem is that it is hard to link raptor perches with population of rats in order to determine whether it is really effective and there is no data that makes a connection. SFPUC is working on this effort and trying to figure out ways to monitor its effectiveness. Commissioner Martin recommended that the IPM program research this alternative to chemical use. Dr. Geiger reported that the list does not contain non-chemical products, but that the recommendation could be added to educational materials. As a program to start in the parks, it would be a good idea, but indicated there would be labor requirements involved in this effort and a grant could be sought after if necessary. Commissioner Martin stated that there are raptor groups that may be interested and it could become a special project. Dr. Geiger stated that he would contact a couple of groups to see if they are interested.

Commissioner Wald asked if there are activities underway to make this information available to other places and jurisdictions. Dr. Geiger stated that the list is location specific so is not being promoted to other jurisdictions; however, the whole program is being promoted. Dr. Geiger reported that he would be holding a lecture in two weeks at the National IPM Symposium in Portland and also holds smaller lectures around the Bay Area. An effort is also being made to upgrade the web presence for this program and make it more usable. One idea from a hearing was to include an outreach component to the annual public hearing on the pesticide list, which would feature a case study instead of just a hearing. Acting Director Assmann reported that Green Cities California is developing a Best Practices website for other cities to use and suggested that IPM be submitted as a best practice that could be used as an example for development in a specific jurisdiction. Dr. Geiger stated that the LEED Green Building Standards is another good avenue. It was reported that one of the projects being worked on is to pull together resource and pest prevention methods that could be incorporated into technical reference manuals.

Commissioner Wald inquired how the exemption process works and if there is a role for the public in that process. Dr. Geiger reported that traditionally there has not been a role for the public before the exemption is issued because of the timeframes and logistical aspects of these exemptions. The department requesting the exemption has to know very soon whether it is granted. The process involves submitting an application by the department staff member, review by Dr. Geiger, and then a discussion is held with consultants and/or the department where the pest management is involved. Sometimes a meeting is organized or sometimes it is people asking to use a different formulation of the same pesticide or to use the least hazardous product experimentally. It is either granted or not. If granted, a special time limit is issued, which is never for more than a year. At the end of the year, anyone granted an exemption would have to justify the use of the product at a public hearing.

Acting Director Assmann inquired as to how many exemptions are received and granted. Dr. Geiger reported that approximately 10 or 12 a year have been received and about half may be granted. Commissioner Wald inquired whether it is usually the same people making the requests. Dr. Geiger reported that most requests are received from the golf courses. Departments have the ability to do something on their own under the ordinance if there is a public health or other emergency, but a report must still be made to the IPM program and at the public hearing. Dr. Geiger reported that changing the cosmetic requirements during the tournaments would allow for major reductions in pesticide use. Vice-President Gravanis recommended a Policy Committee future discussion on possible methods to change cosmetic requirements when it affects environmental well being. Commissioner Martin inquired if there could be an educational opportunity around this effort. Dr. Geiger stated that organizing a green golf tournament would be a possibility. There was a big green golf event on World Environment Day, but the tournament itself did not come through for funding reasons. It was suggested that a famous golfer be enlisted to participate. Commissioner Martin recommended creating a green rating certification process for golf courses. Dr. Geiger also discussed education efforts to train the golfers to use colored golf balls.

Public Comment: Mr. Brent Plater, Lecturer, San Francisco State Environmental Studies Program, thanked the IPM program staff for all their hard work and for the opportunity to comment on the list. Mr. Plater stated that he is a member of the Golf Course Task Force and is working on a project to restore Sharp Park to its natural state in part because there are two endangered species there, one of which is the San Francisco garter snake. A recommendation was made to take *dicamba* off the list and to facilitate public involvement in the exemption process. Mr. Plater reported that there is an injunction against applying a suite of pesticides at Sharp Park and other places around the state because of its impact on the frog. There has been recent data issued since 2006 that *dicamba* impacts endangered species, mammals and birds in particular, and this development could be incorporated into a discussion about whether or not an exemption should apply.

Ms. Lurilla Harris stated that she would like to see Roundup removed from the list because it has a bad effect on all wildlife. Ms. Harris reported on her request several years ago to the Department of Public Works (DPW) to supply her with a product that would get rid of the fennel which was taking over near an area where she lives, and they brought her Roundup. It was explained that up to then, there were garter snakes, salamanders, mealy bugs, snails, spiders and other small wildlife in the area, but after Roundup was used, that was not the case, and the fennel was not bothered and returned the next year. Ms. Harris stated that there are no snails left, that there are only a few salamanders, no garter snakes, and there is concern for what the birds are eating.

Unidentified Speaker discussed a concept called Brown Fairways which he stated is a better environmental approach to the cosmetics of golf courses and improves the performance of golfers.

Commissioner Martin discussed the two categories of exemptions, emergency and non-emergency and suggested crafting language for what constitutes an emergency exemption. Dr. Geiger explained that for all exemptions granted alternatives for that purpose are compared. Commissioner Martin discussed alternatives that include taking out the infected area and re-turfing as an alternative to using the product. Dr. Geiger indicated that the economics of this type of labor may influence the decision to use the product or not. Acting Director Assmann recommended having hearings to discuss the problems and solutions. Commissioner Wald inquired whether the Golf Course Task Force discusses these issues at their hearings. Acting Director Assmann recommended scheduling a joint hearing.

Vice-President Gravanis stated that because the United States Environmental Protection Agency (USEPA) states that *dicamba* has the potential for risks to endangered terrestrial animals and plants and Sharp Park is one of the only golf courses where we know we have endangered species that could be impacted, it was recommended that a prohibition be added to the list against using this product at Sharp Park or any other place where endangered species are discovered. It was suggested that a future discussion be held at the Policy Committee on changing the exemption process to be more of an open process or for a one time public hearing to be implemented.

Upon Motion by Commissioner Wald and second by Commissioner Martin, Resolution No. 001-09-COE was approved with an amendment to the list to prohibit the use of *dicamba* at Sharp Park and other areas should endangered species be discovered there. (AYES: Vice-President Gravanis, Commissioners Martin, Tuchow and Wald; Absent: President Pelosi Jr., Commissioners King and Rodriguez Heyman) (Explanatory Document: Resolution No. 001-09-COE and Revised Reduced Risk Pesticides List)

5. **Hearing on Marin County Wastewater Treatment Infrastructure, and the Effects of Partially Treated Wastewater Spillage on the Bay Ecosystem.** (Explanatory Document: Commissioner Pelosi Jr.'s Statement, "Cleaning Up Our Bay, A Regional Problem" (Word) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/CleaningUpOurBayARegionalProblemPPelosiStatement.doc>) Sponsor: Commission President Paul Pelosi Jr. (Informational Presentation and Discussion)

This agenda item was tabled.

6. **Update on Lights-Out San Francisco and Coordination with the Earth Hour Project.** Sponsor: Commissioner Martin; Staff Speaker: Acting Director David Assmann (Informational Report and Discussion)

Acting Director Assmann reported on three inter-related projects that are going on at this time (1) the Earth Hour (the one hour turn off the lights on March 28th which expanded into a full day of activities); (2) the second is a benchmarking project for commercial buildings to try to get them to reduce lighting and to benchmark their energy use; and (3) Lights Out SF which is the concept of targeting the top 44 buildings in San Francisco so that they turn their lights off to stop damage to migrating birds. Commissioner Martin inquired about the LED streetlights project. Acting Director Assmann reported that there is a small SFPUC pilot being implemented on LED streetlights which has not moved beyond the pilot stage. The other issue is the generic light pollution that exists primarily because of streetlights and other lights having most of their light go into the atmosphere and not accomplishing its intended purpose and being inefficient at the same time. It was explained that LED streetlights that are directional are a positive alternative because they use less energy, are more directed so you don't have the light pollution, and you use less energy at the same time.

Acting Director Assmann reported that the Earth Hour project encompasses a one hour/one day event in March to be held on an annual basis; benchmarking commercial buildings is meant to be a one-year project, and Lights Out SF is meant to be an ongoing project. Acting Director Assmann reported that work is being done with PG&E on Lights Out SF and to a lesser extent with the Building Owners and Management Association (BOMA). An effort is being made to target the 44 tallest buildings and getting BOMA to sign a pledge that they will turn their lights out, and energy efficiency assistance is being offered at the same time. After the one-year evaluation process of the 44 buildings, another set of buildings can be considered. It was explained that the 44 tallest buildings would have the biggest impact on migrating birds. Efforts are now underway to start identifying the facility managers and energy efficiency responsibilities, whether it is PG&E or our staff for those buildings. Audubon has initiated a volunteer effort where people are now going out and walking around those buildings at 5:00 in the morning to see how many birds are killed in order to evaluate the problem. The next stage would be to start contacting the building managers which will happen before the end of the month.

Commissioner Tuchow left the meeting at this time (6:10 p.m.) and quorum was lost. The meeting adjourned due to a loss of quorum.

Agenda Items 7 -9 were not heard as part of the meeting proceedings due to a loss of quorum.

7. **Announcements.** (Discussion).
8. **New Business/Future Agenda Items.** (Discussion).
9. **Public Comments:** Members of the public may address the Committee on matters that are within the Committee's jurisdiction and are not on today's agenda.
10. **Adjournment.** The Commission on the Environment meeting adjourned at 6:10 p.m. due to a loss of quorum.

*** Copies of explanatory documents are available at (1) the Commission's office, 11 Grove Street, San Francisco, California between the hours of 9 a.m. and 5 p.m., (2) on the Commission's website at http://sfgov.org/site/sfenvironment_meeting.asp?id=61004; (3) by clicking on the links by each agenda item above, (4) upon request to the Commission Secretary, at telephone number 415-355-3709, or (5) via e-mail at Monica.Fish@sfgov.org within three business days of a meeting.*

Explanatory documents that are received after posting of this agenda are available on the website or upon request to the Commission Secretary at the contact information listed above.

Respectfully submitted by,

Monica Fish, Commission Secretary
TEL: (415) 355-3709
FAX: (415) 554-6393

Approved:



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Approved

CITY AND COUNTY OF SAN FRANCISCO
COMMISSION ON THE ENVIRONMENT

GOVERNMENT
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SPECIAL MEETING
APPROVED MINUTES

MAR 27 2009

MONDAY, MARCH 9, 2009, 5:00 P.M.
CITY HALL, ROOM 421, SAN FRANCISCO, CA 94102

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PUBLIC LIBRARY

COMMISSION MEMBERS: Commissioners Paul Pelosi Jr. (President), Ruth Gravanis (Vice-President), Angelo King, Darian Rodriguez Heyman, Jane MarieFrancis Martin, Matt Tuchow, Johanna Wald

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Dr. Geiger reported that this effort is now tied into the LEED Green Building system for certification on existing buildings, and the technical reference standard for pest management refers readers to the San Francisco hazard screening list.

Commissioner Martin inquired whether a proactive effort is being made to encourage and place bat boxes, owl boxes, and to make raptor perches to compensate, offset, and mitigate chemical use and the need for the use of even Tier 3 products. Dr. Geiger reported that the Public Utilities Commission (SFPUC) is experimenting with owl boxes. The Recreation and Park Department has tried raptor perches at various times in the past but they don't have an active program at this time. The problem is that it is hard to link raptor perches with population of rats in order to determine whether it is really effective and there is no data that makes a connection. SFPUC is working on this effort and trying to figure out ways to monitor its effectiveness. Commissioner Martin recommended that the IPM program research this alternative to chemical use. Dr. Geiger reported that the list does not contain non-chemical products, but that the recommendation could be added to educational materials. As a program to start in the parks, it would be a good idea, but indicated there would be labor requirements involved in this effort and a grant could be sought after if necessary. Commissioner Martin stated that there are raptor groups that may be interested and it could become a special project. Dr. Geiger stated that he would contact a couple of groups to see if they are interested.

Commissioner Wald asked if there are activities underway to make this information available to other places and jurisdictions. Dr. Geiger stated that the list is location specific so is not being promoted to other jurisdictions; however, the whole program is being promoted. Dr. Geiger reported that he would be holding a lecture in two weeks at the National IPM Symposium in Portland and also holds smaller lectures around the Bay Area. An effort is also being made to upgrade the web presence for this program and make it more usable. One idea from a hearing was to include an outreach component to the annual public hearing on the pesticide list, which would feature a case study instead of just a hearing. Acting Director Assmann reported that Green Cities California is developing a Best Practices website for other cities to use and suggested that IPM be submitted as a best practice that could be used as an example for development in a specific jurisdiction. Dr. Geiger stated that the LEED Green Building Standards is another good avenue. It was reported that one of the projects being worked on is to pull together resource and pest prevention methods that could be incorporated into technical reference manuals.

Commissioner Wald inquired how the exemption process works and if there is a role for the public in that process. Dr. Geiger reported that traditionally there has not been a role for the public before the exemption is issued because of the timeframes and logistical aspects of these exemptions. The department requesting the exemption has to know very soon whether it is granted. The process involves submitting an application by the department staff member, review by Dr. Geiger, and then a discussion is held with consultants and/or the department where the pest management is involved. Sometimes a meeting is organized or sometimes it is people asking to use a different formulation of the same pesticide or to use the least hazardous product experimentally. It is either granted or not. If granted, a special time limit is issued, which is never for more than a year. At the end of the year, anyone granted an exemption would have to justify the use of the product at a public hearing.

Acting Director Assmann inquired as to how many exemptions are received and granted. Dr. Geiger reported that approximately 10 or 12 a year have been received and about half may be granted. Commissioner Wald inquired whether it is usually the same people making the requests. Dr. Geiger reported that most requests are received from the golf courses. Departments have the ability to do something on their own under the ordinance if there is a public health or other emergency, but a report must still be made to the IPM program and at the public hearing. Dr. Geiger reported that changing the cosmetic requirements during the tournaments would allow for major reductions in pesticide use. Vice-President Gravanis recommended a Policy Committee future discussion on possible methods to change cosmetic requirements when it affects environmental well being. Commissioner Martin inquired if there could be an educational opportunity around this effort. Dr. Geiger stated that organizing a green golf tournament would be a possibility. There was a big green golf event on World Environment Day, but the tournament itself did not come through for funding reasons. It was suggested that a famous golfer be enlisted to participate. Commissioner Martin recommended creating a green rating certification process for golf courses. Dr. Geiger also discussed education efforts to train the golfers to use colored golf balls.

Public Comment: Mr. Brent Plater, Lecturer, San Francisco State Environmental Studies Program, thanked the IPM program staff for all their hard work and for the opportunity to comment on the list. Mr. Plater stated that he is a member of the Golf Course Task Force and is working on a project to restore Sharp Park to its natural state in part because there are two endangered species there, one of which is the San Francisco garter snake. A recommendation was made to take *dicamba* off the list and to facilitate public involvement in the exemption process. Mr. Plater reported that there is an injunction against applying a suite of pesticides at Sharp Park and other places around the state because of its impact on the frog. There has been recent data issued since 2006 that *dicamba* impacts endangered species, mammals and birds in particular, and this development could be incorporated into a discussion about whether or not an exemption should apply.

Ms. Lurila Harris stated that she would like to see Roundup removed from the list because it has a bad effect on all wildlife. Ms. Harris reported on her request several years ago to the Department of Public Works (DPW) to supply her with a product that would get rid of the fennel which was taking over near an area where she lives, and they brought her Roundup. It was explained that up to then, there were garter snakes, salamanders, mealy bugs, snails, spiders and other small wildlife in the area, but after Roundup was used, that was not the case, and the fennel was not bothered and returned the next year. Ms. Harris stated that there are no snails left, that there are only a few salamanders, no garter snakes, and there is concern for what the birds are eating.

Unidentified Speaker discussed a concept called Brown Fairways which he stated is a better environmental approach to the cosmetics of golf courses and improves the performance of golfers.

Commissioner Martin discussed the two categories of exemptions, emergency and non-emergency and suggested crafting language for what constitutes an emergency exemption. Dr. Geiger explained that for all exemptions granted alternatives for that purpose are compared. Commissioner Martin discussed alternatives that include taking out the infected area and re-turfing as an alternative to using the product. Dr. Geiger indicated that the economics of this type of labor may influence the decision to use the product or not. Acting Director Assmann recommended having hearings to discuss the problems and solutions. Commissioner Wald inquired whether the Golf Course Task Force discusses these issues at their hearings. Acting Director Assmann recommended scheduling a joint hearing.

Vice-President Gravanis stated that because the United States Environmental Protection Agency (USEPA) states that *dicamba* has the potential for risks to endangered terrestrial animals and plants and Sharp Park is one of the only golf courses where we know we have endangered species that could be impacted, it was recommended that a prohibition be added to the list against using this product at Sharp Park or any other place where endangered species are discovered. It was suggested that a future discussion be held at the Policy Committee on changing the exemption process to be more of an open process or for a one time public hearing to be implemented.

Upon Motion by Commissioner Wald and second by Commissioner Martin, Resolution No. 001-09-COE was approved with an amendment to the list to prohibit the use of *dicamba* at Sharp Park and other areas should endangered species be discovered there. (AYES: Vice-President Gravanis, Commissioners Martin, Tuchow and Wald; Absent: President Pelosi Jr., Commissioners King and Rodriguez Heyman) (Explanatory Document: Resolution No. 001-09-COE and Revised Reduced Risk Pesticides List)

5. **Hearing on Marin County Wastewater Treatment Infrastructure, and the Effects of Partially Treated Wastewater Spillage on the Bay Ecosystem.** (Explanatory Document: Commissioner Pelosi Jr.'s Statement, "Cleaning Up Our Bay, A Regional Problem" (Word) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/CleaningUpOurBayARegionalProblemPPelosiStatement.doc>) Sponsor: Commission President Paul Pelosi Jr. (Informational Presentation and Discussion)

This agenda item was tabled.

6. **Update on Lights-Out San Francisco and Coordination with the Earth Hour Project.** Sponsor: Commissioner Martin; Staff Speaker: Acting Director David Assmann (Informational Report and Discussion)

Acting Director Assmann reported on three inter-related projects that are going on at this time (1) the Earth Hour (the one hour turn off the lights on March 28th which expanded into a full day of activities); (2) the second is a benchmarking project for commercial buildings to try to get them to reduce lighting and to benchmark their energy use; and (3) Lights Out SF which is the concept of targeting the top 44 buildings in San Francisco so that they turn their lights off to stop damage to migrating birds. Commissioner Martin inquired about the LED streetlights project. Acting Director Assmann reported that there is a small SFPUC pilot being implemented on LED streetlights which has not moved beyond the pilot stage. The other issue is the generic light pollution that exists primarily because of streetlights and other lights having most of their light go into the atmosphere and not accomplishing its intended purpose and being inefficient at the same time. It was explained that LED streetlights that are directional are a positive alternative because they use less energy, are more directed so you don't have the light pollution, and you use less energy at the same time.

Acting Director Assmann reported that the Earth Hour project encompasses a one hour/one day event in March to be held on an annual basis; benchmarking commercial buildings is meant to be a one-year project, and Lights Out SF is meant to be an ongoing project. Acting Director Assmann reported that work is being done with PG&E on Lights Out SF and to a lesser extent with the Building Owners and Management Association (BOMA). An effort is being made to target the 44 tallest buildings and getting BOMA to sign a pledge that they will turn their lights out, and energy efficiency assistance is being offered at the same time. After the one-year evaluation process of the 44 buildings, another set of buildings can be considered. It was explained that the 44 tallest buildings would have the biggest impact on migrating birds. Efforts are now underway to start identifying the facility managers and energy efficiency responsibilities, whether it is PG&E or our staff for those buildings. Audubon has initiated a volunteer effort where people are now going out and walking around those buildings at 5:00 in the morning to see how many birds are killed in order to evaluate the problem. The next stage would be to start contacting the building managers which will happen before the end of the month.

Commissioner Tuchow left the meeting at this time (6:10 p.m.) and quorum was lost. The meeting adjourned due to a loss of quorum.

Agenda Items 7 -9 were not heard as part of the meeting proceedings due to a loss of quorum.

7. **Announcements.** (Discussion).
8. **New Business/Future Agenda Items.** (Discussion).
9. **Public Comments:** Members of the public may address the Committee on matters that are within the Committee's jurisdiction and are not on today's agenda.
10. **Adjournment.** The Commission on the Environment meeting adjourned at 6:10 p.m. due to a loss of quorum.

*** Copies of explanatory documents are available at (1) the Commission's office, 11 Grove Street, San Francisco, California between the hours of 9 a.m. and 5 p.m., (2) on the Commission's website at http://sfgov.org/site/sfenvironment_meeting.asp?id=61004; (3) by clicking on the links by each agenda item above, (4) upon request to the Commission Secretary, at telephone number 415-355-3709, or (5) via e-mail at Monica.Fish@sfgov.org within three business days of a meeting.*

Explanatory documents that are received after posting of this agenda are available on the website or upon request to the Commission Secretary at the contact information listed above.

Respectfully submitted by,

Monica Fish, Commission Secretary
TEL: (415) 355-3709
FAX: (415) 554-6393

Approved: March 24, 2009



1 [2009 Revised Reduced-Risk Pesticides List]

2

3 **Resolution Adopting a Revised Reduced-Risk Pesticides List For 2009.** SAN FRANCISCO
4 PUBLIC LIBRARY

5 WHEREAS, Chapter 3, Section 307(d) of the San Francisco Environment
6 Code allows the Commission on the Environment to exempt "reduced-risk"
7 pesticides from the ban imposed by the Ordinance upon a finding that the
"reduced-risk" pesticide is commonly used as part of an IPM strategy; and,

8 WHEREAS, The Department of the Environment has performed an
9 extensive evaluation of pesticide products that qualify as "reduced-risk"
10 pesticides in consultation with members of the public, scientists, and
11 departments and agencies of the City and County of San Francisco; and,

12 WHEREAS, The Department of the Environment has developed and
13 recommends the attached revised Integrated Pest Management Program
14 Reduced-Risk Pesticides List, hereby called the Approved List 2009, for adoption
15 by the Commission for the year 2009; and,

16 WHEREAS, The Approved List 2009 will be reviewed and updated on an
17 as-needed basis; now therefore, be it

18 RESOLVED, That the Commission on the Environment finds that the
19 pesticide products on the Approved List 2009 are "reduced-risk" pesticides
20 commonly used as part of an IPM strategy, and are therefore exempt from the
21 ban imposed by Sections 302 and 303 of the Environment Code.

22 //





SF Environment

Our home. Our city. Our planet.
A department of the City and County of San Francisco**Checklist for City-Owned Properties****SF Reduced Risk Pesticide List
& Summary of the
SF Integrated Pest Management Ordinance**

Save time & paper: View this online at SFEnvironment.org/IPMChecklist to click webpages underlined below, and see the most updated list.

If you have already read page 1-3, [click here to go straight to the SF Reduced Risk Pesticide List](#) (starting on page 4)

San Francisco's Integrated Pest Management (IPM) Ordinance was passed in 1996, and has been widely emulated by other public agencies. In 2006, SF's IPM Program received the National Integrated Pest Management (IPM) Achievement Award for being "a model for government agencies nationwide."

The US Green Building Council uses SF's pesticide hazard ratings in their LEED-EB Operations & Maintenance reference manual.

Who Must Comply with the IPM Ordinance?

- ✓ Anyone (City employees, landscape or structural pest control contractors) who manages pests (unwanted organisms such as insects, rodents, birds, or weeds) for properties owned by or leased from the City (i.e., offices, hospitals, jails, lands owned by SF Gov't but situated in other counties).
- ✓ Tenants of City-owned property (i.e., private golf courses on City property, vendors at SF Airport).

Properties not owned by the City (i.e., properties leased by City Departments from private companies) are not covered by the Ordinance, but are encouraged to implement IPM through these resources: [Find Qualified IPM Contractors for Buildings or Landscapes](#) and [How to Manage Insects, Weeds, & Other Pests](#).

Checklist for City-Owned Properties

1 Read the SF IPM Ordinance. As appropriate, check your department's IPM Plan

2 Use IPM methods for pest management.

Emphasize prevention and non-chemical control methods, monitoring for pests before treating, and using least-hazardous chemical pesticides only as a last resort. The IPM Ordinance is based on the Precautionary Principle, and so it is important to ask yourself, "is pesticide use necessary?" For example, it is acceptable to have daisies in a park but not on a golf course.

PEST	WHAT TO DO
Ants, Cockroaches, Rodents, Pigeons, or Other Pests—Within 10 Feet Of Building	<ul style="list-style-type: none"> ✓ City Depts. that do <u>not</u> hire City employees for structural pest control should call Pestec, the Citywide Structural Pest Control Contractor from 2/1/2008 to 12/31/2010 at (415)587-6817. ✓ City Depts. are responsible for pigeons on their own structures (i.e., if pigeons are on a power line, the power company is responsible). ✓ Learn SF IPM Program recommendations for Roof & Norway Rat Management.
Termites, Mold, Wood-Destroying Pests	Ask SFE, Chris.Geiger@sfgov.org , (415)355-3759.
Public Health Pest Control (Rats in Sewers, Mosquitoes In Catchment Basins)	Call Pestec , Citywide Pest Control Contractor, (415) 587-6817.

PEST	WHAT TO DO
Landscape (Weeds, Gophers, Insect Plant Pests)	<p>There is no Citywide contract for landscapes.</p> <p>City Dept. staff should use Bay Friendly Landscaping Guidelines, which:</p> <ul style="list-style-type: none"> ✓ Are suited to our local climate, soils and topography ✓ Reduce waste & help meet recycling goals ✓ Reduce water use on landscapes by 50% or more ✓ Prevent or reduce storm water pollution to our local creeks and bay ✓ Lower maintenance associated with mowing and shearing ✓ Reduce greenhouse gas emissions <p>City Depts. that hire landscape pest control contractors should:</p> <ol style="list-style-type: none"> 1. Include this Checklist in contract specifications when going out to bid, and email it to contractors. 2. Use Bay-Friendly Maintenance Specifications <p>Learn SF IPM Program recommendations for Gopher Management, Ground Cover for Weed Reduction</p>

Read this [Factsheet on Pesticide Restrictions in Red-Legged Frog Habitat](#) (*last page in this packet*)

If pesticides must be used on City-owned properties, take the following steps:

- a) If you are applying pesticides, attend SFE's Annual Pesticide Safety Trainings, a training required by CA law. For details on pesticide licensing, visit the [CA Department of Pesticide Regulation \(DPR\) Licensing and Certification Program](#). Contractors (non-City employees) working on City properties are welcome on a space-available basis.
- b) For landscape pest control, a written recommendation is required from a licensed agricultural Pest Control Advisor (PCA). If you hire a PCA that is not a city employee, email the written recommendation to Chris.Geiger@sfgov.org (415-355-3759).
- c) Use only products listed in the SF Approved Reduced-Risk Pesticide List (*page 4 in this packet*) on City properties.
- d) Post this [Pesticide Posting and Public Awareness Notice \(Chinese\) \(Spanish\)](#):
 - i) At least 3 days before application of the pesticide and remain posted at least 4 days after.
 - ii) If applied in an enclosed area, at every entry point where the pesticide is applied.
 - iii) If applied in an open area, post in highly visible locations around the perimeter.
 - iv) For pesticides used in rights-of-way, baits, or emergencies, see [IPM Ordinance Sec. 304](#).
- e) Submit Pesticide Use Reports to SF Dept. of Environment every Aug. 1 (for pesticides used between Jan. 1-June 30) and Feb. 1 (for pesticides used between July 1-Dec.31). This report is different from the report you are required to send to the County Agricultural Commissioner.
 - ✓ Make sure your designated IPM Coordinator reports all pesticide uses, even pesticides used by contractors. For information on the City's reporting system, contact Chris.Geiger@sfgov.org, 415-355-3759.

Rodenticides Allowed (Site-Specific) For Control of Rats and Mice

Due to the concern over primary and secondary poisoning, the type of rodenticide and the manner in which it is applied will be determined by the general site characteristics.

Rodenticide use not allowed in this document may only be performed after applying for an exemption from SF Dept. of Environment (Chris.Geiger@sfgov.org, 415-355-3759).

DEFINITIONS:

Landscaped area: area under cultivation

Natural area: parklands (including any lightly managed grasslands, scrub or woodlands) with significant wildlife concern

Primary poisoning: Non-target animal eats poison directly

Secondary poisoning: Non-target animal eats poisoned target animal as prey

Single-feed baits: Baits with brodifacoum, bromadiolone, diethialone, cholecalciferol, or bromethalin active ingredients.

General Site Description	Allowed Rodenticide Use
Inside of sewers or sewage treatment facilities	Baits must be secured either inside the sewer or inside a bait box. Single feeding baits acceptable. Monitoring with non-toxic baits encouraged.
Commercial enterprises (such as restaurants) on leased City lands	Trapping only; single-feed rodenticides allowed as a last resort only for public health & safety considerations.
Interior of structures with occupants (i.e. office space, recreation sites)	Trapping only.
Interior of non-enclosed structures (i.e. storage, stables, airport service areas) – not adjacent to natural areas.	Trapping preferred. Secure and anchored bait stations can be placed inside on a preventative basis. <i>No single-feed baits.</i>
Exterior of structures in urbanized areas (i.e. perimeter of offices)	Trapping preferred. Secure and anchored bait stations can be placed inside on a preventative basis. <i>No single-feed baits.</i>
Exterior of structures in natural areas	Multiple feeding baits may be used only as last resort in case of human health concern or structural integrity. Baits must be secured within bait boxes or buried in burrows. <i>No pellets or single-feed rodenticides.</i>
Landscape not adjacent to a natural area	Bait placed deep inside burrows, minimize use of pellets, mouse sized pellets only, must be buried deep in the burrow. <i>No single-feed baits.</i>
Natural area or landscape adjacent to a natural area	Multiple feeding baits may be used only as last resort in case of human health concern or structural integrity. Baiting should be limited to sensitive sites such as campfire areas, or on preventing infestation of structures. Baits must be secured inside bait boxes or burrows. <i>No use of pellets or single feeding rodenticides.</i>



City & County of San Francisco
2009 List of 75 SF Approved Reduced-Risk Pesticides
SORTED BY PRODUCT NAME

**KEY**

Pesticide Types: A=adjuvant, F=fungicide, H=herbicide, I=insecticide, M=molluscicide, P=plant hormone, V=vertebrate control, W=herbicide in water, Z=public health/ mosquitoes

Hazard Tier: I = highest hazard, III = lowest hazard

EPA Reg #: US EPA registration number, from Dept. of Pesticide Regulation databases. INACTIVE = inactive registration, which means the product will no longer be sold.

NOTE: The first two groups of EPA registration numbers (XXXX-XXX) identify the product ingredients. Any registered product names with these two groups of numbers are considered to be listed products.

NOTE: Mosquito control products are listed separately at the bottom of the list

Product Name	Ingredients	EPA Reg #	Pesticide Type	VHP Category	Hazard tier	Qualifications / Notes	Difference from 2008 List
20 Mule Team Tim-Bor Industrial	disodium octaborate, tetrahydrate 98%	1624-39	I = insecticide	L = limited use	I - highest hazard	For control and prevention of termites, wood-destroying beetles, and carpenter ants. Recommendation of Branch III pest control operator required for termites and beetles; recommendation of Branch II pest control operator required for carpenter ants. <i>Tier I status is due to male reproductive hazards, but exposure scenarios suggest minimal risk</i>	CHANGED the following: 1) Added italicized language. 2) Hazard tier changed from II to I due to repro toxicity.
3336 WP Turf & Ornamental Fungicide	thiophanate-methyl 50%	1001-63-AA	F = fungicide	L* = limited use, special concern	I - highest hazard	For use on golf courses only. HIGH PRIORITY TO FIND ALTERNATIVE	
Advion Ant Bait Arena (Dupont)	Indoxacarb 0.1%	352-664	I= insecticide	A = Allowed	III - lowest hazard		ADDED to 2009 list. Reason: New active ingredient with minimum risk.
Advion Ant Gel (Dupont)	Indoxacarb 0.05%	352-746	I= insecticide	A = Allowed	III - lowest hazard		ADDED to 2009 list. Reason: New active ingredient with minimum risk.
Advion Cockroach Bait Arena (Dupont)	Indoxacarb 0.5%	352-668	I= insecticide	A = Allowed	III - lowest hazard		ADDED to 2009 list. Reason: New active ingredient with minimum risk.
Advion Cockroach Gel Bait (Dupont)	Indoxacarb 0.6%	352-652	I= insecticide	A = Allowed	III - lowest hazard		ADDED to 2009 list. Reason: New active ingredient with minimum risk.

Product Name	Ingredients	EPA Reg #	Pesticide Type	User Category	Endangerment	Limitations / Notes	Difference from 2008 List
Agri-Fos Systemic Fungicide	potassium phosphite 45.8%	71962- 1	F = fungicide	A = Allowed	III - lowest hazard	For use on high-value oaks (<i>Quercus</i> spp.) susceptible to Sudden Oak Death	
Andersons Golf Products K-O-G Weed Control (equivalent to ProTurf K-O-G Weed Control)	dicamba 0.7% ; thiophanate-methyl 2.3%	538-112-AA 538 (INACTIVE) ; 9198-184-AA (ACTIVE)	H = herbicide	L* = limited use, special concern	I - highest hazard	Spot application only for for <i>Soliva sessilis</i> and <i>Cotula mexicana</i> in golf greens when hand-weeding is not feasible. Not for use in Sharp Park or area or endangered species areas. HIGH PRIORITY TO FIND ALTERNATIVE.	CHANGED the following: ADDED language on: spot application is on golf greens only; not for use in Sharp Park or area or endangered species areas. REMOVED language on requiring comparison with Vanquish, handweeded section of bowling greens.
Andersons Golf Products Systemic Fungicide (equivalent to ProTurf Systemic Fungicide)		538-88	F = fungicide	L* = limited use, special concern	I - highest hazard	Greens, highest profile athletic fields. HIGH PRIORITY TO FIND ALTERNATIVE	
Aquamaster Herbicide (equivalent to Rodeo)	glyphosate, isopropylamine salt 53.8%	524-343	W = herbicide in water	L = limited use	II	May damage non-target plants. Use for emergent plants in ponds, lakes, drainage canals, and areas around water or within watershed areas. Only as a last resort when other management practices are ineffective. NOTE: Equivalent to "Rodeo Emerged Aquatic Weed and Brush Herbicide," an older product. Rodeo In storage may be used under the same limitations. Note prohibition on use within buffer zone (generally 60 feet) around water bodies In red-legged frog habitat.	CHANGED the following: Added language on endangered species restrictions (from US EPA stipulated injunction)

Product Name	Ingredients	EPA Reg #	Pesticide Type	Use Category	Hazard Tier	Applicational Notes	Difference from 2008 List
Avid 0.15EC Miticide/Insecticide	abamectin 2%	618-96-AA(INACTIV E) 100-896(ACTIV E)	I = insecticide	L* = limited use, special concern	I - highest hazard	Nursery use only.	CHANGED the following: Hazard tier changed from II to I due to repro toxicity.
Azatin XL	azadirachtin 3%	70051-27	I = insecticide	L = limited use	III - lowest hazard	Nurseries and established plants for interiorscapes.	
Azatrol EC Insecticide	Azadirachtin (2328) 1.2%	2217-836	I = insecticide	A = Allowed	III - lowest hazard		
BotaniGard ES	<i>Beauveria bassiana</i> strain GHA 11.3%	65626-8 [INACTIVE]	I = insecticide	L = limited use	III - lowest hazard	Control of thrips on landscaped plants. Biological product but some concern over bee toxicity.	
CMR Silicone Surfactant	polymethyl-siloxane, nonionic	1050775-50025-AA (inactive) now exempt	A=adjuvant	L = limited use	III - lowest hazard	Use other alternatives pending new review of siloxanes	
Conserve SC Turf and Ornamental	spinosad 11.6%	62719-291	I = insecticide	L = limited use	I - highest hazard	For use as a last resort in greenhouses. If feasible, alternate with other products to avoid the development of resistance.	
Contrac All-Weather Blox	bromadiolone 0.005%	12455-79-AA	V=vertebrate control	L* = limited use, special concern	I - highest hazard	For use only in City-owned sewer lines or for commercial leases on city property that are not adjacent to natural areas. In commercial establishments, use of product shall be a last resort after other, less-toxic measures have been implemented, including sanitation and trapping. In sewers, monitoring shall be used whenever feasible to minimize rodenticide use.	
Dipel Pro DF	<i>Bacillus thuringiensis</i> , Subsp. Kurstaki, Strain Abts-351 (5829) 54%	73049- 39	I = insecticide	A = Allowed	III - lowest hazard		



2009 San Francisco Reduced-Risk Pesticide List for City-Owned Properties

San Francisco Department of the Environment

How to Use this List

The following list includes pesticide products approved for use under San Francisco's Integrated Pest Management (IPM) Ordinance (Adopted 10/96, Chapter 3, SF Environmental Code).

This pesticide list should not be used in place of an IPM program. In other words, pesticides should be the last resort, when all other tactics have failed (i.e., sanitation improvements, pest prevention, non-chemical management measures).

This list is for institutions, not for homes. Many pesticides on the list were added for specialized purposes not found in residential settings. To find out how homeowners can use few or no pesticides to manage common pest problems, visit: SFEenvironment.org/IPM.

Exemption Process if City Dept. staff or contractors would like to use a pesticide that is:

- ✓ Not in the SF Approved Reduced-Risk Pesticide List –OR–
- ✓ For a use that is not in the *Limitations column* of the SF Approved Reduced-Risk Pesticide List –OR–
- ✓ Not allowed in the next page called *Rodenticides Allowed (Site-Specific) For Control of Rats and Mice*

The IPM Coordinator for your City Dept. must:

1. Fill out this [Pesticide Exemption Request](#). Allow at least 2 days for your request to be processed. SF Department of Environment will only grant exemptions in cases of:
 - a. Well-documented need for the pesticide and when all other alternatives have been tried or deemed impractical –OR–
 - b. For trial use of new reduced risk products
 - c. If you have more questions, contact Chris.Geiger@sfgov.org and call 415-355-3759.
2. Justify your use of a pesticide at an annual public hearing, if you used a pesticide:
 - a. That SF Dept. of Environment approved for exemption
 - b. That is higher risk and ~~below a 1% = special concern to the environment~~ Category 1 or 2 of the SF Approved Reduced-Risk Pesticide List

For more information on How San Francisco's Reduced-Risk Pesticide List Was Developed, visit this website: SFEenvironment.org/IPMChecklist

[Sign up](#)

to receive our monthly SF Approved Pesticide Updates & general information regarding SF IPM Technical Advisory Committee (TAC) meetings.

✓ **Why attend?**

Have the opportunity to help set the City's IPM priorities

Provide input on products to include in the SF Approved Reduced-Risk Pesticide List (*page 4 in this packet*)

Get trained in the latest IPM practices (*i.e., using compost teas, controlling ants*)

✓ **Who must attend:**

- **IPM Coordinators from these SF City Depts.:** Public Health, Metropolitan Transportation Agency, Port, Recreation & Parks, Public Utilities Commission, Public Works, SF International Airport. IPM Coordinators should share information from TAC meetings with anyone managing pests on their properties, including site managers, maintenance staff, and tenants leasing city-owned property.

- **Citywide Structural Pest Control Contractor ([Pestec](#)) serving City Depts.**

✓ **IPM TAC meetings are free and open to the public.** City pest control staff are particularly encouraged to join us.

Product Name	Ingredients	EPA Reg #	Pesticide Type	Type of Use	Risk Level	Use restrictions / Notes	Difference from 2008 List
Earth-Tone Horticultural Oil (equivalent to Concern For The Earth, For the Earth Pesticidal Spray Oil Dormant And Growing Season Insect Spray)	canola oil 96%	67702- 4	I = insecticide	A = Allowed	III - lowest hazard		
EcoExempt G	eugenol (clove oil) 2.9%, thyme oil 0.6%, plant oils and other ingredients 96.5%	Exempt from EPA Reg.	I = insecticide	A = Allowed	III - lowest hazard	Do not use in enclosed areas.	
EcoExempt HC	eugenol (clove oil) 21.4%; 2-phenethyl propionate 21.4%	Exempt from EPA Reg.	H = herbicide	L = limited use	III - lowest hazard	Do not use in enclosed areas.	
Enstar II Insect Growth Regulator (Enstar 5E)	S-kinoprene 64.1%	55947-82-ZA-55947 (INACTIVE) 2724-476 (ACTIVE)	I = insecticide	L = limited use	III - lowest hazard	Nurseries, roses.	
EZject Selective Injection Herbicide	glyphosate, isopropylamine salt 83.5%	524-435-AA 524(INACTIVE) 83220-1 (ACTIVE)	H = herbicide	L = limited use	II	Tree stump injection especially where resprouting is likely, prefer mechanical methods when possible such as stump grinding	
Garlon 4	triclopyr, butoxyethyl ester 61.6%; nonpetroleum-based methylated seed oils	62719-40	H = herbicide	L* = limited use, special concern	I - highest hazard	Use only for targeted treatments of invasive exotics via dabbing or injection. HIGH PRIORITY TO FIND ALTERNATIVE	CHANGED the following: Was L, now L*
Garlon 4 Ultra	- triclopyr, butoxyethyl ester 60.45%	62719-527	H=herbicide	L* = limited use, special concern	I - highest hazard	Use only for targeted treatments of invasive exotics via dabbing or injection. HIGH PRIORITY TO FIND ALTERNATIVE.	ADDED to 2009 list. Reason: New formulation of Garlon 4. Inerts (methylated seed oils) are at least as safe or safer than current product.

Product Name	Ingredients	EPA Reg #	Pesticide Type	Use Category	Hazard Type	Comments / Notes	Difference from 2008 List
Gentrol Point Source Roach Control Device	Hydroprene 96%	2724- 469	I = insecticide	A = Allowed	III - lowest hazard		ADDED to 2009 list. Reason: Synergistic effects with baits make this a desirable tool.
Heritage Fungicide	azoxystrobin 50%	100- 1093-AA	F = fungicide	L* = limited use, special concern	I - highest hazard	Consider/emphasize use of compost tea for preventative; improve aeration and monitoring programs. To be used only as a spot treatment on high profile sports greens.	
Javelin WG	<i>Bacillus thuringiensis</i> (berliner), subsp. kurstaki, strain sa-11 7.5%	70051-66	I = insecticide	A = Allowed	III - lowest hazard		
JMS Stylet Oil	petroleum distillates, refined 97.1%	65564- 1	I = insecticide, F = fungicide	A = Allowed	II	Use up existing stock only for Rec&Park and SFIA.	
JT Eaton Answer for the Control of Pocket Gophers	diphacinone 0.005%	56-57	V = vertebrate control	L = limited use	II	Damage to: dams, leveles, athletic fields, active recreation areas, structures, high cultural value or landmark areas. Public Health concerns. HIGH PRIORITY TO FIND ALTERNATIVE	
JT Eaton Bait Block Rodenticide with Molasses/Peanut Butter Flavorizer	diphacinone 0.005%	56-42	V = vertebrate control	L = limited use	II	Damage to: dams, leveles, athletic fields, active recreation areas, structures, high cultural value or landmark areas. Public Health concerns. HIGH PRIORITY TO FIND ALTERNATIVE	
JT Eaton's Bait Blocks Rodenticide with Apple Flavorizer	diphacinone 0.005%	56-41 [INACTIVE]	V = vertebrate control	L = limited use	II	Concern over 2nd poisoning, see site specific limits. HIGH PRIORITY TO FIND ALTERNATIVE	
Kaligreen	potassium bicarbonate 82%	70231-1-AA (INACTIVE) 11581-2 (ACTIVE)	F = fungicide	A = Allowed	III - lowest hazard	Watch for phytotoxicity.	

Product Name	Ingredients	EPA Reg #	Pesticide Type	Use Category	Tier	Comments	Difference from 2008 List
Marathon 1% Granular Greenhouse & Nursery	imidacloprid 1%	3125-452-AA (INACTIVE) 59807-7 (ACTIVE)	I = insecticide	L* = limited use, special concern	I - highest hazard	Nursery use for control of white fly, not for use in propagation beds. Only effective on quick-growing plants. HIGH PRIORITY TO FIND ALTERNATIVE	
Marathon II Granular Greenhouse & Nursery	imidacloprid 21.4%	432-1369	I = insecticide	L* = limited use, special concern	I - highest hazard	Nursery use only for control of mealybug, scale, and other insects. Only for use on fast-growing specimen plants for which Marathon 1% does not work.	
Maxforce FC Professional Insect Control Ant Bait Stations	fipronil 0.01%	64248-10-ZA- 64248(INACTIVE); 432-1256(ACTIVE)	I = insecticide	A = Allowed	II		CHANGED the following: Use Category is now Allowed (was Limited Use).
Maxforce FC Professional Insect Control Roach Bait Stations	fipronil 0.05%	64248-11 (INACTIVE); 432-1257 (ACTIVE)	I = insecticide	A = Allowed	II		CHANGED the following: Use Category is now Allowed (was Limited Use).
Maxforce FC Professional Insect Control Roach Killer Bait Gel	fipronil 0.01%	64248-14 (INACTIVE); 432-1259 (ACTIVE)	I = insecticide	A = Allowed	II		CHANGED the following: Use Category is now Allowed (was Limited Use).
Milestone	Aminopyralid, tri-sopropanolamine salt (5928) 40.6%	62719- 519	H = herbicide	L* = limited use, special concern	I - highest hazard	For invasive species in natural areas where other alternatives are ineffective, especially for invasive legumes and composites such as yellow star thistle and purple star thistle. Listed as Tier I due to persistence but toxicity & potential exposure are very low.	CHANGED the following: Changed Use Category from L* to I due to low toxicity, low potential for exposure.

Product Name	Ingredients	EPA Reg #	Pesticide Type	Use Category	Hazard Tier	Limitations / Notes	Difference from 2008 List
M-pede Insecticide/Fungicide	potash soap 49%	53219-6-ZC (INACTIVE) ; 62719-515 (ACTIVE)	I = insecticide	L = limited use	III - lowest hazard	Nursery, specialty gardens, and Africanized Honey Bees.	
Niban Granular Bait (equivalent to Terro Multipurpose Ant Bait)	boric acid 5%	64405- 2	I = insecticide	L = limited use	I - highest hazard	Outdoor restricted to planted areas, prefer containers; indoor must be in containers or inaccessible to humans. <i>Tier I status is due to reproductive toxicity but exposure scenarios suggest minimal risk</i>	CHANGED the following: 1) Added italicized language in Limitations column. 2) Hazard tier changed from II to I due to reproductive toxicity.
OhYeah!	sodium lauryl sulfate	Exempt from EPA Reg	I = insecticide	A = Allowed	III - lowest hazard		
Orange Guard	d-limonene 5.8%	61887-1	I = insecticide	L = limited use	III - lowest hazard	Minimize use in enclosed areas due to scent. Wear protective equipment. Potential aquatic hazard - do not apply directly to water.	CHANGED the following: Added the language in the Limitations Column on wearing protective equipment because this products is a skin sensitizer.
Organic JMS Stylet Oil	Aliphatic petroleum solvent 97.1%	65564- 1	I = insecticide, F = fungicide	A = Allowed	II	Use up existing stock only for Rec&Park and SFIA.	
Gust XP Herbicide (DuPont)	sulfometuron-methyl 75%	352-601-AA	H = herbicide	L* = limited use, special concern	I - highest hazard	For use only on airport operational areas subject to FAA requirements. HIGH PRIORITY TO FIND ALTERNATIVE	
Prescription Treatment Brand Advance Liquid Ant Bait	borax 1.3%	56-72-AA-499 (INACTIVE) ; 499-491 (ACTIVE)	I = insecticide	A = Allowed	I - highest hazard	<i>Tier I status is due to reproductive toxicity but exposure scenarios suggest minimal risk</i>	CHANGED the following: 1) Added italicized language. 2) Hazard tier changed from II to I due to repro toxicity.
Prescription Treatment Brand Avert Cockroach Bait Station	abamectin 0.05%	499-467-AA	I = insecticide	A = Allowed	I - highest hazard	Phase out - use existing supplies. <i>Tier I status is due to reproductive toxicity but exposure scenarios suggest minimal risk</i>	CHANGED the following: Added italicized language. Hazard tier changed from II to I due to repro toxicity. Minimum risk but safer alternatives exist.

Product Name	Ingredients	EPA Reg #	Pesticide Type	Most Dangerous	Hazard Tier	Action Required	Difference from 2008 List
Prescription Treatment Brand Avert Cockroach Gel Bait Formula 3	abamectin 0.05%	499-410-AA	I = insecticide	A = Allowed	I - highest hazard	Phase out - use existing supplies. <i>Tier I status is due to reproductive toxicity but exposure scenarios suggest minimal risk</i>	CHANGED the following: Added italicized language. Hazard tier changed from II to I due to repro toxicity. Minimum risk but safer alternatives exist.
Prescription Treatment Brand Wasp-Freeze Wasp and Hornet Killer Formula 1	phenothrin 12%, d-trans allethrin .129%, CO2	499-362	I = insecticide	L = limited use	II	Use only when a concern for public safety. Consider Victor Poison Free Wasp & Hornet Killer as a first resort.	
Roach Terminal	oxypurinol 1%, xanthine 1%	1001-73 (INACTIVE)	I = insecticide	A = Allowed	III - lowest hazard	Consider using this first before trying other roach products.	
Rootone F Brand Rooting Hormone	Thiram 4.04%, NAD .2%	264-499	F = fungicide	L* = limited use, special concern	I - highest hazard	Nursery use only. Problem with mixing and storage due to talc. Consider Dip'n Grow as alternative.	
RootShield Granules, TurfShield Granules	Trichoderma harzianum Rifai Strain Krl-Ag2 (3977) 1.15%	68539-3	F = fungicide	A = Allowed	III - lowest hazard		
Roundup Pro Herbicide	glyphosate, isopropylamine salt 41%	524-475	H = herbicide	L = limited use	II	Spot application of areas inaccessible or too dangerous for hand methods, right of ways, utility access, or fire prevention. Use for cracks in hardscape, decomposed granite and edging only as last resort. OK for renovations but must put in place weed prevention measures. Note prohibition on use within buffer zone (generally 60 feet) around water bodies in red-legged frog habitat.	CHANGED the following: Added language on endangered species restrictions (from US EPA stipulated injunction)

Product Name	Ingredients	EPA Reg #	Pesticide Type	User Category	Widened Tier	Comments / Notes	Difference from 2008 List
Roundup ProDry Herbicide	glyphosate, ammonium salt 71.4%	524-505	H = herbicide	L = limited use	II	Same limitations as Roundup Ultra	CHANGED the following: Added language on endangered species restrictions (from US EPA stipulated injunction)
Safer Brand Ant & Crawling Insect Killer	Diatomaceous earth 77.69%	59913-1	I= insecticide	A = Allowed	III - lowest hazard	Use only for structural pest control with a respirator while controlling crawling insects (i.e., ants, bed bugs, silverfish).	ADDED to 2009 list. Reason: needed for bedbugs and other structural pests.
Saf-T-Side	paraffinic oil 80%	48813-1	I = insecticide	L = limited use	II	Use up existing stock only. Try Spraytech first.	
Sluggo Slug and Snail Bait	Phosphoric acid, iron(3+) salt (1:1) 1%	67702- 3	M=molluscicide	A = Allowed	III - lowest hazard		
Sonar A.S.	fluridone 41.7%	67690-4	W = herbicide in water	L = limited use	III - lowest hazard	Emergent plants in ponds, lakes, drainage canals. Only as a last resort when other mgmt. practices are ineffective.	
Spraytech Oil	soybean oil	65328-50001-AA	A=adjuvant	A = Allowed	III - lowest hazard	Consider using this instead of JMS Stylet Oil for aphids and other insects.	
Terro Ant Killer II, Terro Ant Killer II Liquid Ant Baits, Terro-PCO	sodium tetraborate decahydrate 5.4%	149-8	I = insecticide	A = Allowed	I - highest hazard	<i>Tier I status is due to reproductive toxicity but exposure scenarios suggest minimal risk</i>	CHANGED the following: 1) Added italicized language. 2) Hazard tier changed from II to I due to repro toxicity.

Product Name	Ingredients	EPA Reg #	Pesticide Type	Use Category	Risk Assessment	Label Language	Difference from 2008 List
Top Gun All Weather Bait Block Rodenticide	bromethalin 0.01%	67517- 66	V=vertebrate control	L* = limited use, special concern	II	For use only in City-owned sewer lines or for commercial leases on city property that are not adjacent to natural areas. In commercial establishments, use of product shall be a last resort after other, less-toxic measures have been implemented, including sanitation and trapping. In sewers, monitoring shall be used whenever feasible to minimize rodenticide use.	
Turflon Ester	triclopyr, butoxyethyl ester 61.6%	62719-258	H = herbicide	L* = limited use, special concern	I - highest hazard	Targeted treatment of turf; broadcast application requires exemption. HIGH PRIORITY TO FIND ALTERNATIVE. Note prohibition on use within buffer zone (generally 60 feet) around water bodies in red-legged frog habitat.	CHANGED the following: Changed tier L* from L due to new data on reproductive toxicity. Added language on endangered species restrictions (from US EPA stipulated injunction)
TurfShield (was called) T-22G BIOLOGICAL PLANT PROTECTANT GRANULES (now called)	Trichoderma harzianum Rifai Strain Krl-Ag2 (3977) 1.15%	68539-3	F = fungicide	A = Allowed	III - lowest hazard		
Victor Poison Free Flying Insect Killer	Mint Oil 4.0%, Sodium Lauryl Sulfate 0.1%, Inert Ingredients 95.9%, Water 93.4% CO ₂	exempt from EPA Reg.	I = insecticide	A = Allowed	III - lowest hazard	Limit use Indoors.	
Victor Poison Free Wasp & Hornet Killer	Mint Oil 8.0%, Sodium Lauryl Sulfate 1.0%, Inert Ingredients 91.0% Water	exempt fro EPA Reg. UPC #00728681 36047	I = insecticide	A = Allowed	III - lowest hazard	Try this Instead of PT Brand Wasp Freeze	
Zoecon Gentrol IGR Concentrate	hydroprene 9%	2724-351	I = insecticide	A = Allowed	III - lowest hazard		
Mosquito control - microbial							
Mosquito control - microbial			Z=public health/mosquitoes	A = Allowed	III - lowest hazard	Any microbial mosquito larvicide with active ingredients <u>Bacillus thuringiensis</u> (Berliner or Israelsenii) or <u>Bacillus sphaericus</u> is categorized as "A" - allowed.	

Product Name	Ingredients	EPA Reg #	Pesticide Type	Other	Hazard Rating	Comments & Notes	Difference from 2008 List
Mosquito control - Insect Growth Regulators							
Altosid Briquets by Zoecon (was called) ALTOSID BRIQUETS (now called)	S-Methoprene (5026) 8.62%	2724-375	Z=public health/ mosquitoes	L = limited use	I - highest hazard		
Zoecon Altosid Liquid Larvicide Mosquito Growth Regulator (was called) ALTOSID	S-Methoprene (5026) 5%	2724- 392	Z=public health/ mosquitoes	L = limited use	I - highest hazard		CHANGED the following info: Any microbial mosquito larvicide with active ingredients <i>Bacillus thuringiensis</i> (Berliner or Israelsenis) or <i>Bacillus sphaericus</i> is categorized as "A" allowed. Due to number of microbial larvicides used by vector control agencies, and the low risk involved, it makes more sense to simply define the active ingredient for this class of pesticides.
Zoecon Altosid Pellets (was called) ZOECON RF-330 ALTOSID PELLETS (now called)	S-Methoprene (5026) 4.25%	2724- 448	Z=public health/ mosquitoes	L = limited use	I - highest hazard	Not for use in estuarine environments, except for San Mateo Mosquito Abatement District applications at airport and Sharp Park. For City catchment basins, microbial products are preferred when feasible.	
Zoecon Altosid XR Extended Residual Brlquets (was called) ZOECON RF-292 BRIQUET (now)	S-Methoprene (5026) 2.1%	2724- 421	Z=public health/ mosquitoes	L = limited use	I - highest hazard		
Zoecon Altosid XR-G (was called) ZOECON 9010 GR (now called)	S-Methoprene (5026) 1.5%	2724- 451-ZA	Z=public health/ mosquitoes	L = limited use	I - highest hazard		
Mosquito control - Other							
Agnique MMF (was called) AGNIQUE MMF GR MOSQUITO LARVICIDE & PUPICIDE (now)	poly(oxy-1,2-ethanediyl),alpha- a-isodecyl- omega-hydroxy- phosphate 32%	2302-14-AA (INACTIVE) 53263- 30 (ACTIVE)	Z=public health/ mosquitoes	L = limited use	I	Mosquito larvicide for standing water, human health concerns, especially where spreading a distance along the surface is not	
Golden Bear Mosquito Larvicide GB-1111 (was called) MOSQUITO LARVICIDE GB-1111 (now called)	Aliphatic Petroleum Hydrocarbon 98.7%	8329- 72	Z=public health/ mosquitoes	L = limited use	I	Apply as a mosquito larvicide only in conjunction with appropriate prevention measures (such as increasing water flow), or when prevention measures are impractical. Use within requirements on vector control activities set by the CA Dept. of Health Services.	

San Francisco Department of the Environment Factsheet
California Red-Legged Frog (CRLF), *Rana aurora draytoni*,
Stipulated-Injunction Regarding Pesticide Use in Critical Habitat
Reference US-EPA website: <http://www.epa.gov/espplitsstatus/redleg-frog/rif.htm>
Updated 1/1/09

Legal Action & the Stipulated Injunction

On April 2, 2002 the Center for Biological Diversity filed a lawsuit against the EPA for violating the Endangered Species Act by failing to ensure that EPA's registration of 66 pesticides do not adversely affect the California red-legged frog (a threatened species native to California).



©Patrick Baggs

California Red-Legged Frog, *Rana aurora draytoni*, note the characteristic red skin fold (arrow) running from the eyes to the tail.
Photo courtesy of www.californiaberps.com

To resolve the case, on October 20, 2006 the Courts issued a Stipulated Injunction. It requires EPA to determine the effects of 66 pesticide AIs (Active Ingredients) on the California Red-Legged Frog (CRLF) and to amend the labels and use restrictions based on their findings. The US-EPA has 36 months to evaluate all 66 of the AIs.

In the interim, restrictions are in place on the use of products containing the 66 AIs.

The injunction can be viewed at:

<http://www.epa.gov/espplitsstatus/stipulated-injunction.pdf>

Affected Areas:

This ruling affects areas in 32 California Counties, including San Francisco, San Mateo, Santa Clara, Alameda, Contra Costa, and counties containing SF rights-of-way up to Hetch-Hetchy Reservoir. Detailed county maps can be found on-line at:
<http://www.epa.gov/espplitsstatus/redleg-frog/steps-info.htm> (Click on the County of interest)

How Does This Affect You?

If you plan to use one of the 66 AIs listed at the end of this factsheet, visit the map link above to see if your site is located in either critical or non-critical habitat. If it is, here is a summary of how your applications are affected (restrictions are the same for critical and non-critical habitat).

- All still or slow-moving fresh-waterbodies in affected areas – natural and man-made, permanent and temporary – are considered habitat and are subject to the restrictions.
- Ground Applications: Do not apply products with listed AIs in the water, in the 200-foot upland habitat surrounding the water, or in the 60-foot buffer zone around the upland habitat. That amounts to a **260-foot zone around any water body in affected areas**. Aerial applications: observe a 200-ft buffer around the 200-ft upland habitat area.
- Upland habitat includes all areas within 200 feet of the mean high water mark where the frog can find shelter, refuge from predators, or rest, and includes rocks, organic debris, small mammal burrows, moist leaf litter or manmade features.
- Your application is subject to a **reduced buffer zone of only 60 feet** (200 foot upland habitat zone does not apply) for the following uses: Localized spot treatments using handheld devices on rights-of-way, roadsides, **pastures, lawns, or forests**; spot treatments of wasp and hornet nests; individual tree removal using cut stump applications; basal bark application to individual plants; use of pesticides in bait stations.

Products Affected for San Francisco Staff:

Pesticides in the injunction that are on the SF Reduced Risk Pesticide List are those containing glyphosate (Roundup & Rodeo®), imazapyr (Habitat®) and triclopyr (Turflon Ester® & Garlon 4®). Methoprene (Zoecon Altosid products) is no longer covered by this injunction; the USEPA has determined that it has no effect on red-legged frog populations. The Reduced-Risk Pesticide List limits pesticide use only on properties of the City & County of San Francisco.

Exceptions:

This injunction does not apply to public-entity administered vector control programs.

It does not apply to the control of state-designated invasive species or noxious weeds if:

- You are applying for a public entity program
- Application is at least 15 feet from waterbodies described above
- Application is limited to localized spot treatments with a hand-held device
- No precipitation is forecast within 24 hours
- You are a certified applicator or under the direct supervision of a certified applicator

View USDA's Calif. invasive & noxious plant list:

http://plants.usda.gov/jeva/noxious?rpType=State&sta_tefips=06TH

View CDFA's weed list:

http://www.cdfa.ca.gov/phpps/pc/noxweedinfo/noxweedinfo_hp.htm#H

The injunction also does not apply to indoor applications, tree injection applications, home-owner applications to potted plants, flea & tick collars for dogs and cats, where use is approved under the Endangered Species Act.

Biology of the California Red-Legged Frog

The CRLF is the largest native frog in California. It is highly aquatic and is usually found in streams, ponds, coastal drainages and their adjacent habitat. The frog will make use of cool moist burrows, leaf litter, and other land retreats to keep cool and to avoid dehydration, especially in the summer. In cooler inland areas burrows are used for hibernation.

CRLF can reach over 5 inches long and is brown to reddish-brown above with irregular black spots (sometimes with light centers). Prominent skin folds along both sides run from the eyes to the tail. The undersides of their legs, and sometimes the abdomen, are red in adults (red color may not be well developed in juveniles). CRLF is distinguished from the bullfrog by its lack of green color, characteristic of the bullfrog.

The CRLF is active in coastal areas all year. During their tadpole stage they eat algae. Adults typically eat land invertebrates (insects, etc.) but larger frogs will prey on the Pacific tree frog (*Hyla regilla*) and on California mice (*Peromyscus californicus*). Feeding occurs largely along the shoreline and on the water surface.

Breeding occurs November through March, varying throughout their range. Egg-laying usually occurs in late winter or early spring, often following a heavy rain. The female deposits her 2,000- to 5,000-egg masses on newly emerged aquatic

vegetation near the surface of the water. Eggs hatch in 6 to 14 days. The tadpoles undergo metamorphosis at 3 ½ to 7 months after hatching and reach sexual maturity at 3 to 4 years old. The frogs generally live from 8 to 10 years.

Pesticides Banned in Habitat Areas-Full List

The 66 pesticides cited in the injunction are:

2,4-D (broadleaf herbicide), Acephate (Orthene®), Alachlor, Aldicarb, Atrazine, Azinphos-methyl, Bensulide, Bromacil, Captan, Carbaryl (Sevin®), Chloropicrin, Chlorothalonil (Daconil®), Chlorpyrifos (Dursban®), CDPA, DEF, Diazinon, Dicofol, Disflubenzuron, Dimethoate, Disulfoton, Diuron, Endosulfan, EPTC, Esfenvalerate, Fenamiphos,



CRLF egg masses in Alameda County.

Photo courtesy of www.californiaberps.com

Glyphosate (Roundup®, Rodeo®), Hexazinone, Imazapyr, Iprodione, Linuron, Malathion, Mancozeb, Maneb, Metam Sodium, Methamidophos, Methidathion, Methomyl, Methoprene, Methyl Parathion, Metlachlor, Molinate, Myclobutanil, Naled, Norflurazon, Oryzalin (Surflan®), Oxamyl, Oxydemeton-methyl, Oxyfluorfen, Paraquat dichloride, Pendimethalin, Permethrin, Phorate, Phosmet, Prometryn, Pronamide, Propanil, Propargite, Rotenone, Simazine, Strychnine, Telone, Trichobencarb, Triclopyr (Garlon 4®, Turfton Ester®), Trifluralin (Treflan®), Vinclozolin, and Ziram.

NOTE: Some of these active ingredients (notably methoprene) have since been determined to have "no effect" on frog populations, and pending consultation with the USFWS are expected to be no longer subject to the injunction's restrictions. See the "effects determinations" for details:

<http://www.epa.gov/espp/litstatus/effects/redleg-frog/index.html>

5F
3/27/09
CITY AND COUNTY OF SAN FRANCISCO
COMMISSION ON THE ENVIRONMENT

GOVERNMENT
DOCUMENTS DEPT

NOTICE OF MEETING AND AGENDA
TUESDAY, MARCH 24, 2009, 5:00 P.M.
City Hall, Room 416
San Francisco, CA 94102

MAR 20 2009

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PUBLIC LIBRARY

COMMISSION MEMBERS: Commissioners Paul Pelosi Jr. (President), Ruth Gravanis (Vice-President), Angelo King, Darian Rodriguez Heyman, Jane MarieFrancis Martin, Matt Tuchow, Johanna Wald

ORDER OF BUSINESS

Public comment will be taken before the Commission takes action on any item.

1. **Call to Order and Roll Call.**
2. **Adoption of Minutes of the March 9, 2009 Commission Special Meeting.** (Explanatory Document: March 9, 2009 Draft Minutes) (Discussion and Action)
3. **Public Comments:** Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda.
4. **United Nations World Environment Day Accords.** Prioritizing three key actions for adoption by the Commission on the Environment for 2009. (Explanatory Documents: Memo to Commissioners (Word) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/AccordPriorities2009Memo.doc>, Draft Resolution File 2009-02-COE (Word) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/ResFile2009-02-COEPrioritizeUrbanEnvAccords.doc>, and Accords Status (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/SFUrbanEnvironmentalAccordsStatus2009.pdf>) (Discussion and Action)
5. **Municipal Green Building Update: Policies, Programs, Projects and Performance.** Staff Speaker: Mark Palmer, Municipal Green Building Coordinator (Explanatory Document: Municipal Green Building Report 2004-07 (PDF) <http://www.sfenvironment.org/downloads/library/municipalgreenbuildingreport.pdf>) (Informational Presentation and Discussion)
6. **Update on the Department of the Environment's Strategic Plan for 2009-11.** Staff Speaker: Acting Director David Assmann (Explanatory Document: Strategic Plan (PDF) http://www.sfenvironment.org/downloads/library/strategic_plan_0911.pdf.pdf) (Informational Report and Discussion)
7. **Commission procedural matters to be acted on at a future meeting or meetings -- defining the role of the sponsor of an agenda item, establishing criteria for how agenda items are selected, and adopting a policy regarding adherence to the regular meeting schedule.** Sponsor: Commissioner Ruth Gravanis (Discussion).
8. **Operations Committee Report.** (Information and Discussion)
Chair's Report: Report on the February 4, 2009 Rescheduled Meeting and review of the agenda for the upcoming rescheduled meeting of April 15, 2009, at 5:00 p.m., 11 Grove Street.

9. Policy Committee Report. (Information and Discussion)

Chairs Report: Highlights of the February 9 meeting and review of the agenda for the April 13, 2009 meeting to be held at City Hall, Room 421.

10. Commission Secretary's Report. (Information and Discussion) (Explanatory Document: Commission Secretary's Report)

Monica Fish, Commission Secretary

- Communications and Correspondence
- Update on Pending City Legislation

11. Director's Report. (Information and Discussion) (Explanatory Document: Director's Report)

Updates on Department of the Environment administrative and programmatic operations relating to Budget Planning, Strategic Planning, Clean Air, Climate Division, Outreach and Education Division, Environmental Justice Division, Zero Waste, Toxics Reduction Program, and the Urban Forestry Division.

12. Announcements. (Information and Discussion)

13. President's Announcements. (Information and Discussion)

14. New Business/Future Agenda Items. (Information, Discussion and Possible Action)

15. Public Comments: Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda.

16. Adjournment.

Monica Fish, Commission Secretary

TEL: (415) 355-3709; FAX: (415) 554-6393

The next Meeting of the Commission on the Environment is scheduled for Tuesday, May 26, 2009, 5:00 p.m. at City Hall, Room 416.

*** Copies of explanatory documents are available at (1) the Commission's office, 11 Grove Street, San Francisco, California between the hours of 9 a.m. and 5 p.m., (2) on the Commission's website http://sfgov.org/site/sfenvironment_meeting.asp?id=61004; (3) by clicking on the links by each agenda item above, (4) upon request to the Commission Secretary, at telephone number 415-355-3709, or (5) via e-mail at Monica.Fish@sfgov.org within three business days of a meeting.* If any materials related to an item on this agenda have been distributed to the Commission after distribution of the agenda packet, those materials are available for public inspection at the Department of the Environment, 11 Grove Street, San Francisco, CA 94102 during normal office hours or will be made available at the **Commission's website** http://sfgov.org/site/sfenvironment_meeting.asp?id=61004 as links to the agenda or meeting minutes (by item).

Public Comment

At this time, members of the public may address the Commission on items of interest that are within the subject matter jurisdiction of the Commission but are not on today's agenda. Public comment will be taken following each agendized item. Each member of the public may address the Commission for up to three minutes, unless otherwise announced by the President. If it is demonstrated that the comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

The Brown Act forbids the Commission from taking action or discussing any item or issue not appearing on the posted agenda. This rule applies to issues raised in public comment as well. In response to public comment, not on an agendized item, the Commission is limited to:

1. Briefly responding to statements made or questions posed by members of the public, or
2. Request staff to report back on a matter at a subsequent meeting,

3. Directing staff to place the item or issue on a future agenda (Government Code Section 54954.2(a).)

Disability Access

The Commission on the Environment meeting is held at City Hall, Room 416 in the Civic Center Area. The Commission meeting rooms are wheelchair accessible. The closest accessible BART station is the Civic Center Station at United Nations Plaza and Market Street. Accessible MUNI lines serving this location are: #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro Stations at Van Ness and Market and at Civic Center. For information about MUNI accessible services call (415) 923-6142. There is accessible curbside parking adjacent to City Hall on Grove Street and Van Ness Avenue and in the vicinity of the Veterans Building at 401 Van Ness Avenue adjacent to Davies Hall and the War Memorial Complex.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. Individuals with chemical sensitivity or related disabilities should call the Mayor's Office on Disability at (415) 554-6789 or (415) 554-6799 (TTY) for additional information.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact Monica Fish at (415) 355-3709 to make arrangements for the accommodation. Late requests will be honored, if possible.

Know your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force, Frank Darby, Jr., Sunshine Task Force Administrator, City Hall, Room 409, One Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683 at Phone No.: (415) 554-7724; Fax No.: (415) 554-7854; E-mail: sotf@sfgov.org. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.sfgov.org.

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100, et. seq] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at: 25 Van Ness Avenue, 2nd Floor, San Francisco, CA 94102; telephone (415) 252-3100, fax (415) 252-3112, web site at www.sfgov.org/ethics.

Important Information

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

NOTE: Persons unable to attend the meeting may submit to the Commission on the Environment, by the time the proceedings begin, written comments regarding the agenda items above. These comments will be made a part of the official public record and shall be brought to the attention of the Commission on the Environment members. Any written comments should be sent to: Commission Secretary of the Environment, 11 Grove Street, San Francisco, CA 94102 by 5:00 p.m. on the day prior to the hearing. Comments that cannot be delivered to the Commission Secretary by that time may be taken directly to the hearing at the location above.

When bringing handouts to meetings, please photocopy on both sides of the paper and try to use post-consumer recycled or tree-free paper. Also, please bring sufficient copies of handouts for the Commission, the Commission Secretary and the public.

Posted: March 19, 2009



Done

2008

2009

Recommended 2009

Urban Environmental Accords Status January 2009

San Francisco, California, USA

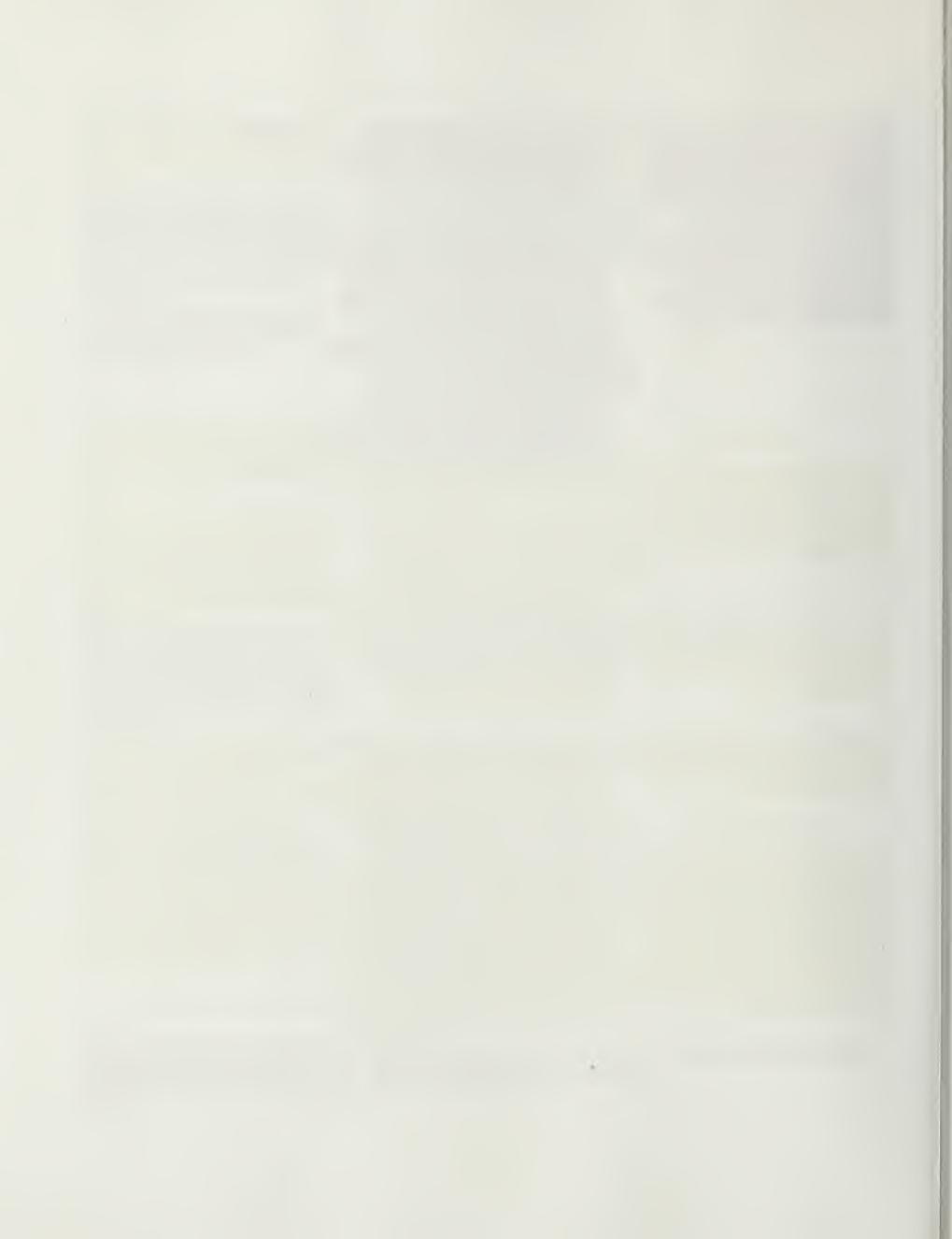
The Urban Environmental Accords sets out 21 actions in 7 key areas:

Visit San Francisco's new Urban Environmental Accords website: <http://sanfrancisco.visiblestrategies.com>

Theme	Status	Responsibility & Relevant Organizations
Energy		
Action 1: Adopt and implement a policy to increase the use of renewable energy to meet ten percent of the city's peak electric load within seven years.	There are two key programs in this area CA RPS which will result in 20% renewable energy by 2017; and the installation of renewable energy within CCSF. CPUC approved \$3 billion solar incentive program; SFE received funding for wave and tidal research. Wind facility being proposed for Treasure Island. City launched solar rebate program with up to \$6,000 for residential solar and \$10,000 for commercial solar. Sf.solarmap.org now allows San Franciscan's to estimate their homes' solar potential. Brought together urban wind taskforce.	SFE, SFPUC, PG&E
Action 2: Adopt and implement a policy to reduce the city's peak electric load by ten percent within seven years through energy efficiency, shifting the timing of energy demands, and conservation measures.	SFE & PG&E engaged in program to achieve 1% efficiency pty. Energy Watch and previous PG funded projects have resulted in more than 20MW of peak savings over the past 5 years.	SFE & PG&E
Action 3: Adopt a citywide greenhouse gas reduction plan that reduces the jurisdictions emissions by twenty-five percent by 2030, and which includes a system for accounting and auditing greenhouse gas emissions.	SF has committed to reduce GHG to pre1990 levels by 2012. We have hired GHG point-person for City and are now exploring GHG trading programs. Converting City and other fleets to bio-diesel will be key in this area. The city is on target to meet its greenhouse gas reduction target.	SFE, BAAQMD, MUNI, CalEPA,
Waste Reduction		
Action 4: Establish a policy to achieve zero waste to landfills and incinerators by 2040.	We have established the targets of 75% diversion by 2010 and zero waste zero waste by 2020. '06 rate set up incentives for 75% target. Latest diversion study shows that we can only get to 85% at which point we will need to redesign products and establish take-back & other manufacturer responsibility programs. In 2007 we are at 70% diversion rate.	SFE, Norcal, City Residents and Businesses.
Action 5: Adopt a citywide law that reduces the use of a disposable, toxic, or nonrenewable product category by at least fifty percent in seven years.	The City banned plastic bags in large grocery stores and large pharmacies. The city now requires that all food service ware be either compostable or recyclable. The City no longer purchases single serving water bottles. We have also implemented the Precautionary Purchasing.	SFE
Action 6: Implement "user-friendly" recycling and composting programs, with the goal of reducing by twenty percent per capita solid waste disposal to landfill and incineration in seven years.	This has been accomplished through Fantastic 3 Program. A law to make recycling and composting is now before the Board of Supervisors for their adoption.	SFE, Norcal

Urban Design		
Action 7: Adopt a policy that mandates a green building rating system standard that applies to all new municipal buildings.	This has been accomplished. The city's green building ordinance requires that all new construction, both commercial and residential, attain LEED gold ratings by 2012.	SFE, DBI, DPW
Action 8: Adopt a planning program and practices that advance higher density mixed-use, walkable, bikeable and disabled-accessible neighborhoods which coordinate land use and transportation with open space systems for recreation and ecological restoration.	Mayor has hired new Director of City Planning who will be working to implement this Action. The Livable City initiative, including the Better Streets Plan, is being implemented through the Planning Department.	City Planning Initiative, SFE, DBI, DPW
Action 9: Adopt a policy or implementation program that creates environmentally beneficial jobs in low-income neighborhoods.	The recently launched Communities of Opportunity and City-Build initiatives are targeted at implementing this Action. The workforce development team are working to build green jobs in the recycling, energy and landscaping sectors.	MOOP, MOBWD, SFE, DBI, DPW
Urban Nature		
Action 10: Ensure that there is an accessible public park or recreational open space within half-a-kilometer of every city resident by 2015.	The Recreation and Parks Department combined with both Federal (GGNRA) and State Parks (candlestick point etc) have more than 250 parks in San Francisco more than meeting this goal.	RPD, Planning, DPW
Action 11: Conduct an inventory of existing canopy coverage in your city; and, then establish a goal based on ecological and community considerations to plant and maintain canopy coverage in not less than fifty percent of all available sidewalk planting sites.	Conducted inventory through UC Davis & UFORE studies. We have 668,000 trees with 100,000 street trees. This represents 44% of available sidewalk planting sites. We therefore need to plant 14,000 to get to 50% but could plant up to 100,000 to get us to 80%.	UFC, FUF, DPW
Action 12: Pass legislation that protects critical habitat corridors and other key habitat characteristics (e.g. water features, poll-bearing plants, shelter for wildlife, use of native species, etc.) from unsustainable development.	We have CEOA at the state level and other legal protections at the local level but more could be done.	Planning, DPW
Transportation		
Action 13: Develop and implement a policy which expands affordable public transportation coverage to within half-a-kilometer of all city residents in ten years.	The Transit Effectiveness Study undertaken by MUNI has Action 13 as its core goal.	MTC, SFCTA, MTA
Action 14: Pass a law or implement a program that eliminates leaded gasoline (where it is still used); phases down sulfur levels in diesel and gasoline fuels, concurrent with using advanced emission controls on all buses, taxis, and public fleets to reduce particulate matter and smog-forming emissions from those fleets by fifty percent in seven years.	Leaded gasoline is banned in California and the US. Ultra-low sulfur diesel is mandatory in all fleets in CA. We have a successful CNG and Hybrid taxi program and groundbreaking B20 biodiesel garbage truck program. MUNI just purchased 86 diesel hybrid buses. All city diesel vehicles now run on B20 biodiesel. A biodiesel manufacturing facility is being constructed in San Francisco that will use recycled grease feedstocks. In addition, we are testing passenger plug-in hybrid vehicles in our municipal fleet and setting the groundwork for a regional electric vehicle infrastructure.	SFE, BAAQMD, CARB, EPA
Action 15: Implement a policy to reduce the percentage of commute trips by single occupancy vehicles by ten percent in seven years.	We are working on TDM programs that promote car-sharing and public transportation. This action needs a lot of work.	MTC, MTA, TA, BAAQMD, EPA

Environmental Health		
Action 16: Every year, identify one product, chemical, or compound that is used within the city that represents the greatest risk to human health and adopt a law and provide incentives to reduce or eliminate its use by the municipal government.	Dental mercury was addressed in 2003. Phthalates and BPA were added by the City to this list of chemicals of concern. These two substances have now been removed from baby bottles.	SFP, DPH
Action 17: Promote the public health and environmental benefits of supporting locally grown organic foods. Ensure that twenty percent of all city facilities (including schools) serve locally grown and organic food within seven years.	We are working with the Mayor's office to issue an Executive Order on food policy. In addition, we are researching traceability issues for local and organically certified foods and supporting urban agriculture and community garden efforts as part of follow through from the executive order. We are working to incorporate organically certified foods into City commodity contracts where possible. We work closely with hospitals to promote food traceability and the availability of organic/locally produced foods to group purchasing organizations used by hospitals. San Francisco Unified School District also has programs related to food systems.	DPH, SFE, SFUSD
Action 18: Establish an Air Quality Index (AQI) to measure the level of air pollution and set the goal of reducing by ten percent in seven years the number of days categorized in the AQI range as "unhealthy" or "hazardous."	AQI exists in San Francisco and Bay Area.	BAAQMD
Water		
Action 19: Develop policies to increase adequate access to safe drinking water, aiming at access for all by 2015. For cities with potable water consumption greater than 100 liters per capita per day, adopt and implement policies to reduce consumption by ten percent by 2015.	Residential per capita water use is approximately 62 gpcd, the lowest use of any major urban area in California. Several water conservation activities are implemented for residential, commercial and industrial customers. In 2007 alone, over 375 million gallons of water was saved through conservation program activities.	SFPUC
Action 20: Protect the ecological integrity of the city's primary drinking water sources (i.e., aquifers, rivers, lakes, wetlands and associated ecosystems).	The SFPUC Water Enterprise Environmental Stewardship Policy was adopted by the Commission in June 2006, and under this umbrella the SFPUC staff has developed or is developing watershed management programs in all source watersheds to collaboratively protect and restore ecological health.	SFPUC
Action 21: Adopt municipal wastewater management guidelines and reduce the volume of untreated wastewater discharges by 10 percent in seven years through the expanded use of recycled water and the implementation of a sustainable urban watershed planning process that includes participants of all affected communities and is based on sound economic, social, and environmental principles.	The City and County of San Francisco's Recycled Water Ordinance requires property owners to install dual-plumbing systems for recycled water use within designated recycled water use areas. The SFPUC is currently planning and implementing three recycled water projects within the City and County of San Francisco to replace potable and groundwater with recycled water for irrigation in city parks and golf courses.	SFPUC



1 [Prioritize Three Urban Environmental Accords Actions for Adoption]

2

3 **Resolution prioritizing three key Urban Environmental Accords actions for adoption by**
4 **the Commission on the Environment for the Commission and Department of the**
5 **Environment to work on for Calendar-Year 2009.**

6 WHEREAS, In 1945 the leaders of 50 nations gathered in San Francisco to develop
7 and sign the Charter of the United Nations; and

8 WHEREAS, The City of San Francisco was chosen by the United Nations to host UN
9 World Environment Day 2005 during the historic 60th anniversary of the United Nations, and

10 WHEREAS, San Francisco sponsored a week long celebration with over 350
11 community-based environmental events for United Nations World Environment Day that was
12 attended by Mayors from around the globe, and

13 WHEREAS, Every day of the World Environment Day week, the participating mayors
14 met in Urban Environmental Accords sessions to share solutions to the challenges common to
15 all mayors, discussing experiences and offering solutions to ensuring safe and clean energy,
16 water, air, food, homes, and public spaces for our citizens, and

17 WHEREAS, Mayors acknowledged the importance of the obligations and spirit of the
18 1972 Stockholm Conference on the Human Environment, the 1992 Rio Earth Summit
19 (UNCED), the 1996 Istanbul Conference on Human Settlements, the 2000 Millennium
20 Summit, and the 2002 Johannesburg World Summit on Sustainable Development, and

21 WHEREAS, Mayor Newsom initiated and signed the Urban Environmental Accords,
22 recognizing that for the first time in history, a majority of the world's population lives in cities,
23 and Mayors and local policymakers have a unique opportunity to provide leadership in
24 advancing sustainability, fostering vibrant economies, promoting social equity, and protecting
25 the planet's natural systems, and

1 WHEREAS, Under the leadership of San Francisco, 100 Mayors and Cities around the
2 world signed onto and began implementation of the Urban Environmental Accords, and

3 WHEREAS, The Accords state that between 2005 and 2012, cities should attempt to
4 implement as many of the 21 Accords as possible, with each city adopting three Accords
5 every year with progress recognized through a *City Green Star Program* - with 4 stars being
6 the objective, and

7 WHEREAS, The Commission on the Environment's Policy Committee held a public
8 hearing on Monday, February 9, 2009, to hear input from the public on which Urban
9 Environmental Accords should be prioritized for the Commission and Department of the
10 Environment to work on for calendar year 2009; and

11 WHEREAS, At that hearing The Commission's Policy Committee and the Department
12 of the Environment considered all Accords in the context of the following criteria (1) political
13 opportunities to move issues forward in the coming year, (2) available budget and human
14 resources for implementation, (3) current national and regional impact, (4) public visibility
15 aspects, (5) issues that would bring together different coalitions effectively, (6) something
16 measurable that can be completed in a year, and

17 WHEREAS, the Policy Committee and staff at its February 9, 2009 meeting reviewed
18 progress made towards all accords and identified three key Urban Environmental Accords
19 actions for adoption by the Commission on the Environment; now therefore, be it

20 RESOLVED, The Commission on the Environment at its March 24, 2009 Commission
21 meeting considered and adopted the following three key Urban Environmental Accords
22 actions for adoption to work on for calendar year 2009 based on the Commission's Policy
23 Committee's recommendations:

24 **Action 9: Adopt a policy or implement a program that creates environmentally
25 beneficial jobs in low-income neighborhoods.**

1 **Action 15: Implement a policy to reduce the percentage of commute trips by**
2 **single occupancy vehicles by ten percent in seven years.**

3 **Action 17: Promote the public health and environmental benefits of supporting**
4 **locally grown organic foods. Ensure that twenty percent of all city facilities (including**
5 **schools) serve locally grown and organic food within seven years.**

7 I hereby certify that this Resolution was approved at the Commission on the
8 Environment's Meeting on March 24, 2009.
9

10 Monica Fish, Commission Secretary

11 VOTE:

12 Ayes:

13 Noes:

14 Absent:

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SF Environment

Our home. Our city. Our planet.



GAVIN NEWSOM
Mayor

David Assmann
Acting Director

MEMORANDUM

TO: San Francisco Environment Commission, Policy and Planning Committee
FROM: Jared Blumenfeld and Jennifer Kass
CC: Monica Fish
DATE: January 27, 2009
RE: Selection of three Urban Environment Accord actions for 2009

This is the fourth year that the Policy Committee has been asked to examine and adopt three UN Urban Accord priority actions. We have made progress on many of the nine Accord actions that have been adopted thus far (5, 8, 9, 12, 15, 16, 17, 19 and 21). However, some of these actions remain at different stages of implementation and will require additional work if they are to be completed. Sixteen additional Accords have been completed to date and therefore were not considered for adoption (1, 2, 3, 4, 6, 7, 10, 11, 13, 14, 16, 18, 19, 20 and 21).

Of the five Accords that have not been completed (8, 9, 12, 15, 17) we examined which would be most appropriate for selection in 2009. We determined that 9, 15 and 17 are all in progress but could use some additional assistance:

Action 9: Adopt a policy or implement a program that creates environmentally beneficial jobs in low-income neighborhoods.

Action 15: Implement a policy to reduce the percentage of commute trips by single occupancy vehicles by ten percent in seven years.

Action 17: Promote the public health and environmental benefits of supporting locally grown organic foods. Ensure that twenty percent of all city facilities (including schools) serve locally grown and organic food within seven years.

We would be pleased to discuss these actions with the Committee.



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E8
3/24/2009
Draft
Corrected

CITY AND COUNTY OF SAN FRANCISCO
COMMISSION ON THE ENVIRONMENT

GOVERNMENT
DOCUMENTS DEPT

REGULAR MEETING
DRAFT MINUTES-Corrected

APR 14 2009

TUESDAY, MARCH 24, 2009, 5:00 P.M.
CITY HALL, ROOM 416, SAN FRANCISCO, CA 94102

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PUBLIC LIBRARY

COMMISSION MEMBERS: Commissioners Paul Pelosi Jr. (President), Ruth Gravanis (Vice-President), Angelo King, Darian Rodriguez Heyman, Jane MarieFrancis Martin, Matt Tuchow, Johanna Wald

ORDER OF BUSINESS

Public comment will be taken before the Commission takes action on any item.

1. **Call to Order and Roll Call.** The Commission on the Environment Meeting was called to order at 5:20 p.m. Present: President Paul Pelosi Jr., Vice-President Gravanis, Commissioners Martin, Tuchow and Wald. Excused: Commissioners King and Rodriguez Heyman
2. **Adoption of Minutes of the March 9, 2009 Commission Special Meeting.** (Discussion and Action) Upon Motion by Commissioner Wald and second by Commissioner Martin, the March 9, 2009 Meeting Minutes were approved without objection (AYES: President Pelosi Jr., Vice-President Gravanis, Commissioners Martin, Tuchow and Wald; Absent: Commissioners King and Rodriguez Heyman) (Explanatory Document: March 9, 2009 Approved Minutes http://sfgov.org/site/sfenvironment_page.asp?id=101082)
3. **Public Comments:** Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. There was no public comment at this time.
4. **United Nations World Environment Day Accords.** Prioritizing three key actions for adoption by the Commission on the Environment for 2009. (Explanatory Documents: Memo to Commissioners (Word) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/AccordPriorities2009Memo.doc>, Draft Resolution File 2009-02-COE (Word) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/ResFile2009-02-COEPrioritizeUrbanEnvAccords.doc>, and Accords Status (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/SFUrbanEnvironmentalAccordsStatus2009.pdf>) (Discussion and Action). Upon Motion by Vice President Gravanis and second by Commissioner Wald, Resolution File 2009-02-COE was approved with an amendment on page 2, Line 22, in the "Resolved" clause to delete "for adoption" and replace with "as priorities". (AYES: President Pelosi Jr., Vice-President Gravanis, Commissioners King, Martin, Tuchow and Wald; Absent: Commissioners King and Rodriguez Heyman.) Explanatory Document: Final Resolution 002-09-COE (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/Res002-09-COEPrioritizeUrbanEnvAccordsd.pdf>)
5. **Municipal Green Building Update: Policies, Programs, Projects and Performance.** Staff Speaker: Mark Palmer, Municipal Green Building Coordinator (Explanatory Documents: Municipal Green Building Report 2004-07 (PDF) <http://www.sfenvironment.org/downloads/library/municipalgreenbuildingreport.pdf> and Presentation (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/Res002-09-COEPrioritizeUrbanEnvAccordsd.pdf>) (Informational Presentation and Discussion)

Mr. Palmer reported on his work as the Municipal Green Building Coordinator since 2001, Chair of the Resource Efficient Building Task Force (a municipal inter-departmental agency), Chair of the national U.S. Green Building Council Government Committee and discussed his background in engineering and construction. It was explained that the Municipal Green Building Report for 2004-07 is a three-year report that he is required to issue to the Board of Supervisors and that another report would be issued in 2010.

Mr. Palmer reported that buildings have a tremendous impact on energy usage which electricity consumption, water, carbon, and waste is a part of. It was explained that green building is not a collection of technologies that you add to a standard building—it is really about integrating the built environment with the natural world, which is a creative process that includes the right people with the right experience to solve inter-disciplinary problems. It is bringing together the disciplines of site, water, energy, and indoor environmental quality and materials to create an integrated approach to green building. It also takes many different players from facilities managers to finance officers, to architects and engineers to really bring out the best in green building design. The emphasis on expensive hard to control mechanical and electrical systems is transferred over to the architecture of the building to include features such as high performance glass for natural day-lighting and ventilation, exterior sunshades and interior light shelves, under floor access for air distribution, etc. so that the building itself does the work instead of the big, hard to control and expensive complex mechanical systems.

LEED is the national green building rating system and it stands for leadership, energy, and environmental design. Mr. Palmer discussed how LEED "labels" buildings to reflect what you are getting in terms of energy, water, and indoor and environmental performance. The four levels of LEED range from certified, to LEED silver, LEED gold, and LEED platinum. In 2004, Chapter 7 of the Environment Code was adopted which established LEED silver as the standard for all municipal projects over 5,000 square feet. Consulting services are being offered to design departments and design teams throughout San Francisco to assist in this effort. Mr. Palmer reported that he has served on the Department of Building Inspection's Code Advisory Committee which has a Green Building Subcommittee to address issues in building codes. A Compliance Guide has been developed to lead City designers at the Department of Public Works and all other departments that can authorize design and construction. In addition, a tool kit of software resources and design tools for City design professionals has been created. Through an EPA grant, a website called SF GreenPRINT was created that helps catalog and evaluate green building projects, www.sfgreenprint.org.

Mr. Palmer reported that he works primarily with the six major departments that have contract authority, San Francisco Public Utilities Commission (SFPUC), Recreation and Park Department, Department of Public Works (DPW), the Port, Airport, and Municipal Transportation Authority (MTA), and also works with the Libraries. Mr. Palmer's efforts have contributed to over 50 Accredited LEED Professionals in thirteen different departments in the City and he is currently overseeing 44 municipal projects in all the departments mentioned including ten libraries, eight recreation centers, three museums, etc.

Mr. Palmer discussed green building projects that include the Plaza Apartments by the Redevelopment Agency, California Academy of Sciences (San Francisco's first LEED Platinum building), Laguna Honda Hospital (slated to be California's first LEED Silver hospital), the Living Classroom (Eco-Center at Herons Head Park), the Center for Sustainable Gardening, San Francisco History Museum, One South Van Ness, the City's first LEED-EB (Existing Buildings) project, renovation of Terminal 2 at San Francisco International Airport (a LEED Silver renovation project), the new Trans Bay Transit Center and redevelopment plans at Treasure Island. It was explained that the Library has renewed bond financing and a renewed Memorandum of Understanding with DPW to make all of their subsequent libraries LEED Silver. The Recreation and Park Department is starting their bond program, and their first project is the new Chinese Recreation Center at Mason and Washington. San Francisco General Hospital construction will be starting in about a year from now and the goal is LEED Gold. Mr. Palmer is collaborating with the

other big hospital projects in town as there is \$4 billion worth of health care projects and design in San Francisco at this time.

Vice-President Gravanis (1) expressed her appreciation for the work that the Department has been doing over the years on this effort; (2) stated that the California Academy of Sciences wants to keep watering their green roof because of their ideas of what public perception is. It was recommended that it not be given supplemental water and it should be called a "living roof" instead of "green roof" and the public should be educated that the roof should not be green all of the time; (3) stated that she was excited about the progress that the Living Classroom has made and inquired how to contribute to funding of this project as she had heard it was having financial difficulties because of state budget issues; (4) suggested that some of the ideas from the Sustainable Sites Initiative be incorporated into LEED programs, especially LEED Neighborhood Design; and (5) expressed her concern that Laguna Honda Hospital did not target wildlife-friendly landscaping in their design and suggested that LEED points be given for incorporating wildlife where appropriate. Acting Director Assmann reported that State and Coastal Commission funding had been restored for the Living Classroom. It was explained that the Sustainable Sites Initiative as it evolves is being considered as a new addition to LEED.

Commissioner Tuchow inquired whether there has been outreach in San Francisco public schools to adopt green building standards. Mr. Palmer reported that SFUSD does not fall under the City's jurisdiction, but that a group had convened a couple of weeks ago that included the School District's new Sustainability Director to talk about green building issues. It was explained that the Sustainability Director has a developed program around green schools, that he is currently using the Collaborative High Performance Schools (CHPS) resources, and is open to how LEED for schools can be integrated into their process as well. Commissioner Wald asked if what is being done at the school district could be leveraged to make progress at the Community College Board for City College. Mr. Palmer reported that the Community College Board has several LEED buildings under design and construction right now, and they have made big strides to establish themselves in this regard. It was explained that there is also a big geothermal project at City College right now. Acting Director Assmann reported that the SFUSD Sustainability Director is funded 50% by the Department of the Environment and 50% by the SFPUC, and attends the Department's senior staff meetings quarterly to give updates on projects.

Commissioner Martin (1) thanked Mr. Palmer for all of the good work surrounding green building efforts; (2) stated that she is interested about the interface between LEED and the City's building permit process and inquired about the difference between the way City obtains its permits as opposed to private entities that are required to do so based on size of the project. Mr. Palmer stated that there is a new private sector green building ordinance in effect now for most all residential and commercial new development and major renovations. Department staff members Richard Chien and Barry Hooper work directly on those residential commercial private sector projects. Mr. Chien and Mr. Hooper work closely with the Planning Department and Department of Building Inspection (DBI) to identify the best way to implement the private sector ordinance and educate building inspectors, plan checkers, and planners about how green building works and the best way to go about the process. It was explained that municipal projects are different although they typically do get permits, and there is usually City staff in the sponsoring department that walk it through at DBI and usually permit approvals are expedited.

Mr. Palmer reported that he works with DPW Bureau of Construction Management that has building inspectors who are provided with training opportunities. DPW and DBI have influenced their staff to become LEED accredited professionals. There have been as many as 20 DBI employees that attended the LEED training in the last year. Commissioner Martin inquired whether there are any new private sector buildings that have been subject to the new ordinance. Mr. Palmer reported that in this economic climate, permit applications have not been plentiful at DBI, so it has given an opportunity to put implementation procedures in place while it is not quite so busy.

Commissioner Martin inquired when a private sponsor of a building project would interface with the LEED program. It is her understanding that the City requires a certain level of certification; however, that certification can't come until the building is built. Mr. Palmer reported that DBI is the central permit processing bureau so the project application process starts at DBI and then is directed to other departments such as Planning, Fire, and other areas of involvement. At that first intake process, they have set up their green team and they sit down with the project sponsors to review their plan for compliance with the requirements. The plans even in the conceptual stage or schematic stage have to reflect the ability to meet those standards. Commissioner Martin inquired whether actual LEED certification is required or just the ability to meet LEED certification. Mr. Palmer explained that there are two compliance paths (1) one is LEED certification by the U.S. Green Building Council (USGBC) and (2) DBI's requirement to hire your own consultant to verify that you are meeting those same standards, which is subject to audit by DBI.

Commissioner Wald stated that she is pleased to learn about the SF GreenPRINT program and stated that she is in support of moving to the requirement of LEED Gold instead of LEED Silver. Mr. Palmer reported that work is being done toward this effort.

President Pelosi Jr. inquired about USGBC's guidelines for existing buildings. Mr. Palmer reported that a LEED project on an existing building is being worked on at One South Van Ness. Mr. Palmer reported that an effort is being made to amend Chapter 7 to raise the standard from Silver to Gold and at the same time consideration is being given on how to address the City's existing buildings. It was explained that the City owns anywhere from 600-800 buildings and there are a lot of lease holds involved, all of which represent a large environmental footprint. One idea is to certify municipal departments under the green business program that is similar to what other municipalities have done. Acting Director Assmann reported on Action 7 in the Strategic Plan for Green Building to initiate and manage a Commercial Real Estate Energy Task Force to develop policy recommendations to ensure that existing buildings meet higher energy and resource efficiency benchmarks in the residential commercial sector. Mr. Palmer reported that the Task Force has been set up and has sixty days to issue recommendations.

6. Update on the Department of the Environment's Strategic Plan for 2009-11. Staff Speaker: Acting Director David Assmann (Explanatory Document: Strategic Plan (PDF)
http://www.sfenvironment.org/downloads/library/strategic_plan_0911_pdf.pdf) (Informational Report and Discussion)

Acting Director Assmann reported that the Department's Strategic Plan is a three year plan for 2009-11. Each of the program areas evaluates, updates, and presents through senior staff meetings changes to the plan on an annual basis. Acting Director Assmann reported on highlights and new additions to the plans that include:

- Climate Action Plan for the residential and commercial sectors—there is an outreach campaign to educate and motivate the commercial and residential sectors to do more to combat climate change;
- Energy Efficiency--The Department's extension of the agreement with PG&E on the Energy Watch program for another \$7 million for calendar year 2009. In the 22 months staff had to run a three year program, they reached 90% of their goal. If they had the full three years, they would have well exceeded their goal.
- Clean Air Transportation's efforts to start up an electric vehicle charging infrastructure for the Bay Area for plug-in hybrids.
- Green Building which a presentation was given on.

- Zero Waste wants to increase commercial diversion to 80% and residential diversion to 50% this calendar year. The lowest amount going to landfill as long as records have been kept going back to 1972 was achieved in 2008.
- Toxics Reduction has a number of projects they are working on. A lot of them are continuing projects around environmental preferable purchasing, pesticide work, and working on Extended Producer Responsibility. There is an Extended Producer Responsibility bill for the first time at the state level.
- The Environmental Justice program is focusing on green jobs, promoting food security, and energy efficiency as well as air quality issues.
- Outreach and School Education--the School Education program is working closely with the new SFUSD Sustainability Director on new programs for the schools. The Outreach program is working on doing the necessary outreach to meet new goals in a variety of areas, e.g., reaching 75% diversion in 2010, making sure that the Mandatory Recycling Ordinance which is about to be calendared at the Board of Supervisors is properly promoted, more publicity for toxic collection activities, etc. San Francisco has free collection for residents now, but it is under utilized and not meeting goals.

Vice-President Gravanis (1) commended the Strategic Plan for being realistic and an honest appraisal of current and future efforts; (2) discussed the buy nothing campaign on the Friday after Thanksgiving initiated by a national organization and concerns expressed about the campaign being anti-American, anti-job, and anti-economy. Acting Director Assmann stated that one way to counter this argument is to not say buy nothing, but to say buy responsibly, buy sustainably, buy the things you need, you can use, exchange things, and work with others to share and utilize existing resources for doing so. It was reported that there is a large percentage of purchases that end up in the waste or recycling stream within 60 days of its purchase. The production of a lot of these goods that are not sustainable aren't produced in the United States and are imported from other countries, so if we were not to purchase these goods, it would not have an impact on jobs here in the U.S. We would be better off supporting sustainable manufacturing within the U.S. which could potentially increase American jobs.

President Pelosi Jr. recommended maintaining the Department's leadership position in a strategic sense so that when the economy does recover, people are still thoughtful in what they are purchasing. Acting Director Assmann reported that this is the perfect time to do the educational work because people are buying less now due to the economy. Messages should be sent to purchase only what is needed as opposed to what they think they need because they have been bombarded with messages to buy things.

Commissioner Tuchow inquired (1) how the Strategic Plan goals, objectives, and action steps are put in operation and (2) if there is an action step to explore long-term funding mechanisms for urban forestry. Acting Director Assmann reported that the actions are developed by program area and each of the divisions in the program area is responsible to make sure the actions are implemented, e.g., Commercial Recycling is responsible for making sure that the five actions in Objective B are implemented. There is staff assigned to each of these areas. The Department has a series of senior staff meetings in which all the different program areas present and discuss goals, objectives and actions. It was explained that the urban forest program has primarily been funded by work orders from other departments, and is now at a crisis point in terms of not having the support it has had in the past due to budget cuts. Alternative methods of raising funds for urban forest projects has to be thought of which includes submitting more grant applications and identifying more sustainable sources of funding that can provide more stable funding than relying on work orders from other departments which are cut when there are budget shortfalls. However, no solution has been found yet.

President Pelosi Jr. inquired whether there has been any response from departments to date on their Climate Action Plan. Acting Director Assmann reported that Department is in the process of reviewing Climate Action Plans for each of the departments and is working with departments who have been asked to redo their plan. There are some stellar plans and some that need to be redone. The Department is also working jointly with the Planning Department on updating the City's Climate Action Plan that will partially be informed by the individual department Climate Action Plans. The possibility of integrating the Climate Action Plan into the City's General Plan is also being considered.

Commissioner Tuchow inquired if the Strategic Plan addresses green jobs and green technology, the subject of the Commission's last retreat. Acting Director Assmann stated that this area is covered to a limited extent under the Environmental Justice program Strategic Plan, page 22 Objective F, to promote green collar jobs. It was explained that the Department has a Clean Tech Coordinator who is working jointly for the Department and Mayor's Office of Economic Development on this effort. There is not a Clean Tech Strategic Plan in this document but there will be one in the future. Acting Director Assmann reported that the Board of Supervisors held a hearing yesterday on the stimulus plan and green collar jobs, and there would be an effort to work towards maximizing the resources that goes into green collar jobs.

Commissioner Martin inquired whether there is a document that captures goals that the Department would like to work on but are not in the Strategic Plan at this time. Acting Director Assmann reported that the current Strategic Plan is an action plan based on what we think we could do with the resources we have available, but that it would be a good idea to create a goal plan document that shows what the Department would like to do if resources were available and/or establishing a priority plan for obtaining those resources. Commissioner Martin inquired whether the actions items in the Strategic Plan are funded. Acting Director Assmann reported all areas are based on existing and anticipated resources with the exception of the urban forest section which is having a problem with funding.

- 7. Commission procedural matters to be acted on at a future meeting or meetings -- defining the role of the sponsor of an agenda item, establishing criteria for how agenda items are selected, and adopting a policy regarding adherence to the regular meeting schedule.** Sponsor: Commissioner Ruth Gravanis (Discussion).

Vice President Gravanis requested input from the commissioners regarding several recommendations that the commission might wish to adopt at a future meeting. She stated that her understanding is that whoever sponsors an item from Department staff is responsible for securing speakers, supplying agenda language, and sending e-mail addresses of interested parties and any relevant explanatory documents to the Commission Secretary. A Commissioner who wants to sponsor an item would contact the Commission President or Director, and if approved, the Commission Secretary would be asked to add the item to the agenda. If the agenda item is relevant to a program area, the Director would then assign the item to the relevant program area staff person who would supply the Commission Secretary with all of the above information. Additionally, the Commission Secretary at the request of the Director may contact the staff person to make a presentation. If it is not relevant to a program area, the Commissioner could contact the President or Director and recommend and secure speakers for a presentation if approved for the agenda.

President Pelosi Jr. explained that the Director and Commission President hold a preliminary call and then a follow-up call is held with the President, Director and Commission Secretary to discuss agenda items. Procedurally, Commissioners would either go to the President, the Director, or Commission Secretary to have an item placed on the agenda. It was explained that items should go through the Policy and Operations Committees first unless it is an important issue that the Director or Staff recommends for a full Commission hearing.

Vice-President Gravanis stated that she sees a role for the sponsor to speak first on an item, to provide background information, explain why it is on the agenda, and introduce speakers. The sponsor would also make sure that the speakers know what is expected, e.g., presentation time, and report audio visual needs to the Commission Secretary.

Commissioner Tuchow stated that he felt it was a good idea to have a sponsor when necessary. Commissioner Martin stated (1) that this procedure has been followed informally and should be formally adopted; (2) approved of having a point person for functions such as identifying speakers and giving them an idea of expectations. Commissioner Wald stated that (1) she thinks that articulating the role of the sponsor would be helpful so that all of the work does not fall on staff (2) she believes it is potentially more effective if the sponsor sets time limits, and (3) suggested that the Commission consider reviewing their meeting schedule to add additional meetings if the length of the current meetings are too long.

Acting Director Assmann reported that some of the meetings have been overloaded with items and others not, so it would be useful to set a limit on number of items or a time limit for each item based on the number and/or importance of the agenda items. Commissioner Wald stated that the problem may be that an estimation of the time required is not always accurate. It was recommended that a reasonable amount of time be given to each agenda item and to also focus on items that would draw in the public.

President Pelosi Jr. stated that there is a difference between discussion and action items, and there should be more flexibility on time allowed for action items. It was reported that the consensus is that agenda items should have a sponsor that would identify the length of time required for a particular item. This would allow the Commissioner who is sponsoring the item to be more involved in the process, to work with the presenter, and take the pressure off of staff.

Commissioner Martin recommended creating a format for controlling the time, e.g., setting a time allotment on the agenda that does not have to be strictly adhered to but provides a target and prepares people who are potentially waiting for an item to be heard.

Vice-President Gravanis suggested that criteria be established to determine: (1) how it is decided if an agenda item is just a report or whether it is a presentation; (2) how to decide whether the item should go to the Operations or Policy Committees first or whether it goes directly to the Commission; (3) if it is an action item, has it gone to the appropriate Committee, is it essential that it be acted on at the very next meeting, or can it be postponed if the agenda is too full; and (4) for special meetings, which the Bylaws say the President can call at any time, what are the kinds of issues Commissioners feel are appropriate for a special meeting? Should a joint hearing be called with another department? President Pelosi Jr. stated that one reason to make a Committee meeting special is to allow other Commissioners to attend. It was explained that the Director has to make a lot of these determinations, and the question is how to help the Director and Staff in these efforts. Staff works on issues that should be voted on, need more attention, that may be a topic of interest to the public, or there is critical legislation coming forward that could merit public discussion.

Acting Director Assmann recommended creating a calendar of mandatory items for the next two years that should be placed on agendas, e.g. the budget every year at a certain meeting, reports that are due, and identifying whether the item should be heard at Committee, full Commission or both. Commissioner Martin stated that the Commission is reviewing the Strategic Plan for this year, but inquired whether the Strategic Plan and accomplishments were reviewed for last year. It was explained that if the Strategic Plan is used as a document that shows what the Department is going to be working on, it should give the Commission an idea of what should be covered at meetings and would help give the staff an idea of the framework for deadlines for getting that work done. Commissioner Wald recommended keeping a running list of future agenda items that public members and Commissioners have raised to assist in setting future agendas.

This list would also keep track of ongoing items. President Pelosi Jr. stated that at the end of this year, he would like to see more cooperation and questions focused more on the topic, and an overhaul to make the meetings shorter, more interesting, and more insightful.

Vice-President Gravanis stated that it is important for Commissioners to regularly attend meetings and to adhere to the meeting schedule. It was stated that there should be an internal understanding or policy that Commissioners would deviate from that published schedule only when there is an emergency. Vice-President Gravanis stated that the Commission has an attendance policy, and the Commission Secretary is required to keep a record of Commissioner's attendance and submit a report to the Mayor's Office, the appointing authority. The policy states that Commissioners are expected to attend regular meetings, but there is no requirement or negative consequence if Commissioners do not attend meetings. If a Commissioner does not attend three meetings in a row, it is recorded and sent to the Mayor's Office, but there is no requirement that missing three meetings cannot be done.

Commissioner Martin stated that only five of the seven Commission members have been regularly attending Commission meetings and inquired about their expectation for attending future meetings. It was stated that the Commission is missing out on the insightful commentary from those fellow Commissioners. President Pelosi Jr. reported that Commissioner Rodriguez Heyman is out of the country at this time.

President Pelosi Jr. stated that most Commission meetings have been consistent with the regular meeting schedule, and that the Policy Committee meetings have been changed due to speaker availability. Vice-President Gravanis reported that the Operations Committee was supposed to provide advice to the Commission on the Department's budget, but was rescheduled due to not meeting quorum requirements. President Pelosi Jr. stated that he would consider re-staffing the Operations Committee because one Commissioner has not been available for meetings recently. Commissioner Tuchow was appointed as the future Chair of the Operations Committee.

8. Operations Committee Report. (Information and Discussion)

Chair's Report: Report on the February 4, 2009 Rescheduled Meeting and review of the agenda for the upcoming rescheduled meeting of April 15, 2009, at 5:00 p.m., Room 421, City Hall.

Commissioner Tuchow reported that the Operations Committee met on February 4th to review the Department's budget. The budget had been previously reviewed at the full Commission meeting and because of the timing of the submission, the Commission agreed to approve the budget contingent to review at the February 4 Operations Committee meeting. At the February 4 meeting, budget revisions were reviewed and no significant changes were recommended.

9. Policy Committee Report. (Information and Discussion)

Chairs Report: Highlights of the February 9 meeting and review of the agenda for the April 13, 2009 meeting to be held at City Hall, Room 421.

Chair Wald requested that Commissioner Martin report on the February 9th meeting. Commissioner Martin reported that the February 9th meeting discussion included a review and adoption by the Policy Committee for recommendation to the Commission of Urban Environmental Accords 9, 15 and 17. In addition, a brief update and presentation was given on refuse service rates and regulations in response to public comment received at a prior meeting that there was not an available rate structure that applies to people who are not using the service but are required to pay for it. Committee members learned that the intention is to introduce a new rate that will allow people to have less service, but the service would still be required by law.

Commissioner Martin explained that the Policy Committee did not hold their March meeting because a full Commission meeting was held in its place and asked that future Policy Committee meetings not be cancelled for this purpose in the future. President Pelosi Jr. stated that due to timing issues, a special meeting was called to discuss an important issue regarding water pollution in the bay which he wrote an excerpt on for the meeting. It was explained that PUC's speakers did not attend as previously planned, and that in the future, additional lead time should be provided. Commissioner Martin reported that an agenda item is scheduled for the April 13 Policy Committee to discuss issues of pollution and would include a discussion by SWAIE and PUC. It was recommended that all Commissioners be copied on the Policy Committee's future agenda checklist to keep apprised of upcoming items.

Vice-President Gravanis stated that the Department does not have staff or funding assigned to water issues but is in support of having a hearing on San Francisco's Wastewater Master Plan and pollution impacts.

10. Commission Secretary's Report. (Information and Discussion) (Explanatory Document: Commission Secretary's Report (PDF)

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/CommissionSecretaryReport032409.pdf>

Monica Fish, Commission Secretary

- Communications and Correspondence
- Update on Pending City Legislation

The Commission Secretary's Report can be accessed at the link above.

11. Director's Report. (Information and Discussion) (Explanatory Document: Director's Report (Word)

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/DirectorsReportMarch2009.doc>

Updates on Department of the Environment administrative and programmatic operations relating to Budget Planning, Strategic Planning, Clean Air, Climate Division, Outreach and Education Division, Environmental Justice Division, Zero Waste, Toxics Reduction Program, and the Urban Forestry Division.

The Director's Report can be accessed at the link above.

12. Announcements. (Information and Discussion)

Commissioner Martin reported that she was able to attend a presentation at the Rosa Parks Elementary School who is one of three in the nation grand prize winner of Eco Media Green Schools Challenge. The students created a competitive video entry submission and won \$250,000 to green that school. Three schools were chosen, one in San Francisco, Chicago and Miami. Acting Director Assmann stated that he would request that the Department's School Education Program give special recognition to Rosa Parks Elementary School when they do the awards ceremony.

13. President's Announcements. (Information and Discussion)

President Pelosi Jr. stated that he and Mr. Blumenfeld met with the Department of Energy staff to identify solar projects in San Francisco as \$6 billion has been dedicated to home guarantees. It was explained that the Department of Energy believes they can turn the \$6 billion into \$300 billion worth of projects by doing guarantees instead of direct lending. President Pelosi Jr. reported that every couple of months 25 cities within California get together to discuss best practices, and that the next meeting would be held in mid-April. President Pelosi Jr. stated that he had met with the Department of Energy in Washington D.C. and there has been new jobs created in this area.

Commissioner King left the meeting at 6:07 p.m. Commissioner Tuchow left the meeting at 7:20 p.m. Commissioner Wald left the meeting at 7:25 p.m. The meeting adjourned at this time due to a loss of quorum.

14. New Business/Future Agenda Items. (Information, Discussion and Possible Action) There was no new business or future agenda items discussed at this time.

15. Public Comments: Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda.

Mr. Paul Liotsakis, Associate Director, San Francisco Community Power, reported that the organization is a resource conservation organization, focused primarily on water and energy efficiency measures, and provides training for people on marketing and auditing buildings for implementation of efficiency measures. Mr. Liotsakis encouraged the Department that when and if receiving stimulus money, that Request for Proposal(s) are issued that would allow non-profits to participate as it relates to outreach, marketing, and implementation of efficiency measures. It was explained that the Department has a policy of meeting their energy efficiency goals through contractors who are not always local.

Ms. Aimee Horikiri, discussed the public school system's operations in terms of energy efficiency and environmental sustainability. It was recommended that public universities adopt ISO14000 standards to govern their office operations in order to reduce waste of energy and natural resources. Statement was provided and is available at the Department of the Environment upon request.

16. Adjournment. The Commission on the Environment meeting adjourned at 7:25 due to a loss of quorum.

*** Copies of explanatory documents are available at (1) the Commission's office, 11 Grove Street, San Francisco, California between the hours of 9 a.m. and 5 p.m., (2) on the Commission's website at http://sfgov.org/site/sfenvironment_meeting.asp?id=61004; (3) by clicking on the links by each agenda item above, (4) upon request to the Commission Secretary, at telephone number 415-355-3709, or (5) via e-mail at Monica.Fish@sfgov.org within three business days of a meeting.*
Explanatory documents that are received after posting of this agenda are available on the website or upon request to the Commission Secretary at the contact information listed above.

Respectfully submitted by,

Monica Fish, Commission Secretary
TEL: (415) 355-3709
FAX: (415) 554-6393

*Approved:

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Approved*
CITY AND COUNTY OF SAN FRANCISCO
COMMISSION ON THE ENVIRONMENT

GOVERNMENT
DOCUMENTS DEPT

REGULAR MEETING
APPROVED MINUTES

JUN - 2 2009

TUESDAY, MARCH 24, 2009, 5:00 P.M.
CITY HALL, ROOM 416, SAN FRANCISCO, CA 94102

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COMMISSION MEMBERS: Commissioners Paul Pelosi Jr. (President), Ruth Gravanis (Vice-President), Angelo King, Darian Rodriguez Heyman, Jane Marie Francis Martin, Matt Tuchow, Johanna Wald

ORDER OF BUSINESS

Public comment will be taken before the Commission takes action on any item.

1. **Call to Order and Roll Call.** The Commission on the Environment Meeting was called to order at 5:20 p.m. Present: President Paul Pelosi Jr., Vice-President Gravanis, Commissioners Martin, Tuchow and Wald. Excused: Commissioners King and Rodriguez Heyman
2. **Adoption of Minutes of the March 9, 2009 Commission Special Meeting.** (Discussion and Action) Upon Motion by Commissioner Wald and second by Commissioner Martin, the March 9, 2009 Meeting Minutes were approved without objection (AYES: President Pelosi Jr., Vice-President Gravanis, Commissioners Martin, Tuchow and Wald; Absent: Commissioners King and Rodriguez-Heyman) (Explanatory Document: March 9, 2009 Approved Minutes http://sfgov.org/site/sfenvironment_page.asp?id=101082)
3. **Public Comments:** Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. There was no public comment at this time.
4. **United Nations World Environment Day Accords.** Prioritizing three key actions for adoption by the Commission on the Environment for 2009. (Explanatory Documents: Memo to Commissioners (Word) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/AccordPriorities2009Memo.doc>, Draft Resolution File 2009-02-COE (Word) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/ResFile2009-02-COEPrioritizeUrbanEnvAccords.doc>, and Accords Status (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/SFUrbanEnvironmentalAccordsStatus2009.pdf>) (Discussion and Action). Upon Motion by Vice President Gravanis and second by Commissioner Wald, Resolution File 2009-02-COE was approved with an amendment on page 2, Line 22, in the "Resolved" clause to delete "for adoption" and replace with "as priorities". (AYES: President Pelosi Jr., Vice-President Gravanis, Commissioners King, Martin, Tuchow and Wald; Absent: Commissioners King and Rodriguez Heyman.) Explanatory Document: Final Resolution 002-09-COE (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/Res002-09-COEPrioritizeUrbanEnvAccordsd.pdf>)
5. **Municipal Green Building Update: Policies, Programs, Projects and Performance.** Staff Speaker: Mark Palmer, Municipal Green Building Coordinator (Explanatory Documents: Municipal Green Building Report 2004-07 (PDF) <http://www.sfenvironment.org/downloads/library/municipalgreenbuildingreport.pdf> and Presentation (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/Res002-09-COEPrioritizeUrbanEnvAccordsd.pdf>) (Informational Presentation and Discussion)

Mr. Palmer reported on his work as the Municipal Green Building Coordinator since 2001, Chair of the Resource Efficient Building Task Force (a municipal inter-departmental agency), Chair of the national U.S. Green Building Council Government Committee and discussed his background in engineering and construction. It was explained that the Municipal Green Building Report for 2004-07 is a three-year report that he is required to issue to the Board of Supervisors and that another report would be issued in 2010.

Mr. Palmer reported that buildings have a tremendous impact on energy usage which electricity consumption, water, carbon, and waste is a part of. It was explained that green building is not a collection of technologies that you add to a standard building—it is really about integrating the built environment with the natural world, which is a creative process that includes the right people with the right experience to solve inter-disciplinary problems. It is bringing together the disciplines of site, water, energy, and indoor environmental quality and materials to create an integrated approach to green building. It also takes many different players from facilities managers to finance officers, to architects and engineers to really bring out the best in green building design. The emphasis on expensive hard to control mechanical and electrical systems is transferred over to the architecture of the building to include features such as high performance glass for natural day-lighting and ventilation, exterior sunshades and interior light shelves, under floor access for air distribution, etc. so that the building itself does the work instead of the big, hard to control and expensive complex mechanical systems.

LEED is the national green building rating system and it stands for leadership, energy, and environmental design. Mr. Palmer discussed how LEED "labels" buildings to reflect what you are getting in terms of energy, water, and indoor and environmental performance. The four levels of LEED range from certified, to LEED silver, LEED gold, and LEED platinum. In 2004, Chapter 7 of the Environment Code was adopted which established LEED silver as the standard for all municipal projects over 5,000 square feet. Consulting services are being offered to design departments and design teams throughout San Francisco to assist in this effort. Mr. Palmer reported that he has served on the Department of Building Inspection's Code Advisory Committee which has a Green Building Subcommittee to address issues in building codes. A Compliance Guide has been developed to lead City designers at the Department of Public Works and all other departments that can authorize design and construction. In addition, a tool kit of software resources and design tools for City design professionals has been created. Through an EPA grant, a website called SF GreenPRINT was created that helps catalog and evaluate green building projects, www.sfgreenprint.org.

Mr. Palmer reported that he works primarily with the six major departments that have contract authority, San Francisco Public Utilities Commission (SFPUC), Recreation and Park Department, Department of Public Works (DPW), the Port, Airport, and Municipal Transportation Authority (MTA), and also works with the Libraries. Mr. Palmer's efforts have contributed to over 50 Accredited LEED Professionals in thirteen different departments in the City and he is currently overseeing 44 municipal projects in all the departments mentioned including ten libraries, eight recreation centers, three museums, etc.

Mr. Palmer discussed green building projects that include the Plaza Apartments by the Redevelopment Agency, California Academy of Sciences (San Francisco's first LEED Platinum building), Laguna Honda Hospital (slated to be California's first LEED Silver hospital), the Living Classroom (Eco-Center at Herons Head Park), the Center for Sustainable Gardening, San Francisco History Museum, One South Van Ness, the City's first LEED-EB (Existing Buildings) project, renovation of Terminal 2 at San Francisco International Airport (a LEED Silver renovation project), the new Trans Bay Transit Center and redevelopment plans at Treasure Island. It was explained that the Library has renewed bond financing and a renewed Memorandum of Understanding with DPW to make all of their subsequent libraries LEED Silver. The Recreation and Park Department is starting their bond program, and their first project is the new Chinese Recreation Center at Mason and Washington. San Francisco General Hospital construction will be starting in about a year from now and the goal is LEED Gold. Mr. Palmer is collaborating with the

other big hospital projects in town as there is \$4 billion worth of health care projects and design in San Francisco at this time.

Vice-President Gravanis (1) expressed her appreciation for the work that the Department has been doing over the years on this effort; (2) stated that the California Academy of Sciences wants to keep watering their green roof because of their ideas of what public perception is. It was recommended that it not be given supplemental water and it should be called a "living roof" instead of "green roof" and the public should be educated that the roof should not be green all of the time; (3) stated that she was excited about the progress that the Living Classroom has made and inquired how to contribute to funding of this project as she had heard it was having financial difficulties because of state budget issues; (4) suggested that some of the ideas from the Sustainable Sites Initiative be incorporated into LEED programs, especially LEED Neighborhood Design; and (5) expressed her concern that Laguna Honda Hospital did not target wildlife-friendly landscaping in their design and suggested that LEED points be given for incorporating wildlife where appropriate. Acting Director Assmann reported that State and Coastal Commission funding had been restored for the Living Classroom. It was explained that the Sustainable Sites Initiative as it evolves is being considered as a new addition to LEED.

Commissioner Tuchow inquired whether there has been outreach in San Francisco public schools to adopt green building standards. Mr. Palmer reported that SFUSD does not fall under the City's jurisdiction, but that a group had convened a couple of weeks ago that included the School District's new Sustainability Director to talk about green building issues. It was explained that the Sustainability Director has a developed program around green schools, that he is currently using the Collaborative High Performance Schools (CHPS) resources, and is open to how LEED for schools can be integrated into their process as well. Commissioner Wald asked if what is being done at the school district could be leveraged to make progress at the Community College Board for City College. Mr. Palmer reported that the Community College Board has several LEED buildings under design and construction right now, and they have made big strides to establish themselves in this regard. It was explained that there is also a big geothermal project at City College right now. Acting Director Assmann reported that the SFUSD Sustainability Director is funded 50% by the Department of the Environment and 50% by the SFPUC, and attends the Department's senior staff meetings quarterly to give updates on projects.

Commissioner Martin (1) thanked Mr. Palmer for all of the good work surrounding green building efforts; (2) stated that she is interested about the interface between LEED and the City's building permit process and inquired about the difference between the way City obtains its permits as opposed to private entities that are required to do so based on size of the project. Mr. Palmer stated that there is a new private sector green building ordinance in effect now for most all residential and commercial new development and major renovations. Department staff members Richard Chien and Barry Hooper work directly on those residential commercial private sector projects. Mr. Chien and Mr. Hooper work closely with the Planning Department and Department of Building Inspection (DBI) to identify the best way to implement the private sector ordinance and educate building inspectors, plan checkers, and planners about how green building works and the best way to go about the process. It was explained that municipal projects are different although they typically do get permits, and there is usually City staff in the sponsoring department that walk it through at DBI and usually permit approvals are expedited.

Mr. Palmer reported that he works with DPW Bureau of Construction Management that has building inspectors who are provided with training opportunities. DPW and DBI have influenced their staff to become LEED accredited professionals. There have been as many as 20 DBI employees that attended the LEED training in the last year. Commissioner Martin inquired whether there are any new private sector buildings that have been subject to the new ordinance. Mr. Palmer reported that in this economic climate, permit applications have not been plentiful at DBI, so it has given an opportunity to put implementation procedures in place while it is not quite so busy.

Commissioner Martin inquired when a private sponsor of a building project would interface with the LEED program. It is her understanding that the City requires a certain level of certification; however, that certification can't come until the building is built. Mr. Palmer reported that DBI is the central permit processing bureau so the project application process starts at DBI and then is directed to other departments such as Planning, Fire, and other areas of involvement. At that first intake process, they have set up their green team and they sit down with the project sponsors to review their plan for compliance with the requirements. The plans even in the conceptual stage or schematic stage have to reflect the ability to meet those standards. Commissioner Martin inquired whether actual LEED certification is required or just the ability to meet LEED certification. Mr. Palmer explained that there are two compliance paths (1) one is LEED certification by the U.S. Green Building Council (USGBC) and (2) DBI's requirement to hire your own consultant to verify that you are meeting those same standards, which is subject to audit by DBI.

Commissioner Wald stated that she is pleased to learn about the SF GreenPRINT program and stated that she is in support of moving to the requirement of LEED Gold instead of LEED Silver. Mr. Palmer reported that work is being done toward this effort.

President Pelosi Jr. inquired about USGBC's guidelines for existing buildings. Mr. Palmer reported that a LEED project on an existing building is being worked on at One South Van Ness. Mr. Palmer reported that an effort is being made to amend Chapter 7 to raise the standard from Silver to Gold and at the same time consideration is being given on how to address the City's existing buildings. It was explained that the City owns anywhere from 600-800 buildings and there are a lot of lease holds involved, all of which represent a large environmental footprint. One idea is to certify municipal departments under the green business program that is similar to what other municipalities have done. Acting Director Assmann reported on Action 7 in the Strategic Plan for Green Building to initiate and manage a Commercial Real Estate Energy Task Force to develop policy recommendations to ensure that existing buildings meet higher energy and resource efficiency benchmarks in the residential commercial sector. Mr. Palmer reported that the Task Force has been set up and has sixty days to issue recommendations.

6. Update on the Department of the Environment's Strategic Plan for 2009-11. Staff Speaker: Acting Director David Assmann (Explanatory Document: Strategic Plan (PDF)
http://www.sfenvironment.org/downloads/library/strategic_plan_0911_pdf.pdf) (Informational Report and Discussion)

Acting Director Assmann reported that the Department's Strategic Plan is a three year plan for 2009-11. Each of the program areas evaluates, updates, and presents through senior staff meetings changes to the plan on an annual basis. Acting Director Assmann reported on highlights and new additions to the plans that include:

- Climate Action Plan for the residential and commercial sectors—there is an outreach campaign to educate and motivate the commercial and residential sectors to do more to combat climate change;
- Energy Efficiency--The Department's extension of the agreement with PG&E on the Energy Watch program for another \$7 million for calendar year 2009. In the 22 months staff had to run a three year program, they reached 90% of their goal. If they had the full three years, they would have well exceeded their goal.
- Clean Air Transportation's efforts to start up an electric vehicle charging infrastructure for the Bay Area for plug-in hybrids.
- Green Building which a presentation was given on.

- Zero Waste wants to increase commercial diversion to 80% and residential diversion to 50% this calendar year. The lowest amount going to landfill as long as records have been kept going back to 1972 was achieved in 2008.
- Toxics Reduction has a number of projects they are working on. A lot of them are continuing projects around environmental preferable purchasing, pesticide work, and working on Extended Producer Responsibility. There is an Extended Producer Responsibility bill for the first time at the state level.
- The Environmental Justice program is focusing on green jobs, promoting food security, and energy efficiency as well as air quality issues.
- Outreach and School Education--the School Education program is working closely with the new SFUSD Sustainability Director on new programs for the schools. The Outreach program is working on doing the necessary outreach to meet new goals in a variety of areas, e.g., reaching 75% diversion in 2010, making sure that the Mandatory Recycling Ordinance which is about to be calendared at the Board of Supervisors is properly promoted, more publicity for toxic collection activities, etc. San Francisco has free collection for residents now, but it is under utilized and not meeting goals.

Vice-President Gravanis (1) commended the Strategic Plan for being realistic and an honest appraisal of current and future efforts; (2) discussed the buy nothing campaign on the Friday after Thanksgiving initiated by a national organization and concerns expressed about the campaign being anti-American, anti-job, and anti-economy. Acting Director Assmann stated that one way to counter this argument is to not say buy nothing, but to say buy responsibly, buy sustainably, buy the things you need, you can use, exchange things, and work with others to share and utilize existing resources for doing so. It was reported that there is a large percentage of purchases that end up in the waste or recycling stream within 60 days of its purchase. The production of a lot of these goods that are not sustainable aren't produced in the United States and are imported from other countries, so if we were not to purchase these goods, it would not have an impact on jobs here in the U.S. We would be better off supporting sustainable manufacturing within the U.S. which could potentially increase American jobs.

President Pelosi Jr. recommended maintaining the Department's leadership position in a strategic sense so that when the economy does recover, people are still thoughtful in what they are purchasing. Acting Director Assmann reported that this is the perfect time to do the educational work because people are buying less now due to the economy. Messages should be sent to purchase only what is needed as opposed to what they think they need because they have been bombarded with messages to buy things.

Commissioner Tuchow inquired (1) how the Strategic Plan goals, objectives, and action steps are put in operation and (2) if there is an action step to explore long-term funding mechanisms for urban forestry. Acting Director Assmann reported that the actions are developed by program area and each of the divisions in the program area is responsible to make sure the actions are implemented, e.g., Commercial Recycling is responsible for making sure that the five actions in Objective B are implemented. There is staff assigned to each of these areas. The Department has a series of senior staff meetings in which all the different program areas present and discuss goals, objectives and actions. It was explained that the urban forest program has primarily been funded by work orders from other departments, and is now at a crisis point in terms of not having the support it has had in the past due to budget cuts. Alternative methods of raising funds for urban forest projects has to be thought of which includes submitting more grant applications and identifying more sustainable sources of funding that can provide more stable funding than relying on work orders from other departments which are cut when there are budget shortfalls. However, no solution has been found yet.

President Pelosi Jr. inquired whether there has been any response from departments to date on their Climate Action Plan. Acting Director Assmann reported that Department is in the process of reviewing Climate Action Plans for each of the departments and is working with departments who have been asked to redo their plan. There are some stellar plans and some that need to be redone. The Department is also working jointly with the Planning Department on updating the City's Climate Action Plan that will partially be informed by the individual department Climate Action Plans. The possibility of integrating the Climate Action Plan into the City's General Plan is also being considered.

Commissioner Tuchow inquired if the Strategic Plan addresses green jobs and green technology, the subject of the Commission's last retreat. Acting Director Assmann stated that this area is covered to a limited extent under the Environmental Justice program Strategic Plan, page 22 Objective F, to promote green collar jobs. It was explained that the Department has a Clean Tech Coordinator who is working jointly for the Department and Mayor's Office of Economic Development on this effort. There is not a Clean Tech Strategic Plan in this document but there will be one in the future. Acting Director Assmann reported that the Board of Supervisors held a hearing yesterday on the stimulus plan and green collar jobs, and there would be an effort to work towards maximizing the resources that goes into green collar jobs.

Commissioner Martin inquired whether there is a document that captures goals that the Department would like to work on but are not in the Strategic Plan at this time. Acting Director Assmann reported that the current Strategic Plan is an action plan based on what we think we could do with the resources we have available, but that it would be a good idea to create a goal plan document that shows what the Department would like to do if resources were available and/or establishing a priority plan for obtaining those resources. Commissioner Martin inquired whether the actions items in the Strategic Plan are funded. Acting Director Assmann reported all areas are based on existing and anticipated resources with the exception of the urban forest section which is having a problem with funding.

- 7. Commission procedural matters to be acted on at a future meeting or meetings -- defining the role of the sponsor of an agenda item, establishing criteria for how agenda items are selected, and adopting a policy regarding adherence to the regular meeting schedule.** Sponsor: Commissioner Ruth Gravanis (Discussion).

Vice President Gravanis requested input from the commissioners regarding several recommendations that the commission might wish to adopt at a future meeting. She stated that her understanding is that whoever sponsors an item from Department staff is responsible for securing speakers, supplying agenda language, and sending e-mail addresses of interested parties and any relevant explanatory documents to the Commission Secretary. A Commissioner who wants to sponsor an item would contact the Commission President or Director, and if approved, the Commission Secretary would be asked to add the item to the agenda. If the agenda item is relevant to a program area, the Director would then assign the item to the relevant program area staff person who would supply the Commission Secretary with all of the above information. Additionally, the Commission Secretary at the request of the Director may contact the staff person to make a presentation. If it is not relevant to a program area, the Commissioner could contact the President or Director and recommend and secure speakers for a presentation if approved for the agenda.

President Pelosi Jr. explained that the Director and Commission President hold a preliminary call and then a follow-up call is held with the President, Director and Commission Secretary to discuss agenda items. Procedurally, Commissioners would either go to the President, the Director, or Commission Secretary to have an item placed on the agenda. It was explained that items should go through the Policy and Operations Committees first unless it is an important issue that the Director or Staff recommends for a full Commission hearing.

Vice-President Gravanis stated that she sees a role for the sponsor to speak first on an item, to provide background information, explain why it is on the agenda, and introduce speakers. The sponsor would also make sure that the speakers know what is expected, e.g., presentation time, and report audio visual needs to the Commission Secretary.

Commissioner Tuchow stated that he felt it was a good idea to have a sponsor when necessary. Commissioner Martin stated (1) that this procedure has been followed informally and should be formally adopted; (2) approved of having a point person for functions such as identifying speakers and giving them an idea of expectations. Commissioner Wald stated that (1) she thinks that articulating the role of the sponsor would be helpful so that all of the work does not fall on staff (2) she believes it is potentially more effective if the sponsor sets time limits, and (3) suggested that the Commission consider reviewing their meeting schedule to add additional meetings if the length of the current meetings are too long.

Acting Director Assmann reported that some of the meetings have been overloaded with items and others not, so it would be useful to set a limit on number of items or a time limit for each item based on the number and/or importance of the agenda items. Commissioner Wald stated that the problem may be that an estimation of the time required is not always accurate. It was recommended that a reasonable amount of time be given to each agenda item and to also focus on items that would draw in the public.

President Pelosi Jr. stated that there is a difference between discussion and action items, and there should be more flexibility on time allowed for action items. It was reported that the consensus is that agenda items should have a sponsor that would identify the length of time required for a particular item. This would allow the Commissioner who is sponsoring the item to be more involved in the process, to work with the presenter, and take the pressure off of staff.

Commissioner Martin recommended creating a format for controlling the time, e.g., setting a time allotment on the agenda that does not have to be strictly adhered to but provides a target and prepares people who are potentially waiting for an item to be heard.

Vice-President Gravanis suggested that criteria be established to determine: (1) how it is decided if an agenda item is just a report or whether it is a presentation; (2) how to decide whether the item should go to the Operations or Policy Committees first or whether it goes directly to the Commission; (3) if it is an action item, has it gone to the appropriate Committee, is it essential that it be acted on at the very next meeting, or can it be postponed if the agenda is too full; and (4) for special meetings, which the Bylaws say the President can call at any time, what are the kinds of issues Commissioners feel are appropriate for a special meeting? Should a joint hearing be called with another department? President Pelosi Jr. stated that one reason to make a Committee meeting special is to allow other Commissioners to attend. It was explained that the Director has to make a lot of these determinations, and the question is how to help the Director and Staff in these efforts. Staff works on issues that should be voted on, need more attention, that may be a topic of interest to the public, or there is critical legislation coming forward that could merit public discussion.

Acting Director Assmann recommended creating a calendar of mandatory items for the next two years that should be placed on agendas, e.g. the budget every year at a certain meeting, reports that are due, and identifying whether the item should be heard at Committee, full Commission or both. Commissioner Martin stated that the Commission is reviewing the Strategic Plan for this year, but inquired whether the Strategic Plan and accomplishments were reviewed for last year. It was explained that if the Strategic Plan is used as a document that shows what the Department is going to be working on, it should give the Commission an idea of what should be covered at meetings and would help give the staff an idea of the framework for deadlines for getting that work done. Commissioner Wald recommended keeping a running list of future agenda items that public members and Commissioners have raised to assist in setting future agendas.

This list would also keep track of ongoing items. President Pelosi Jr. stated that at the end of this year, he would like to see more cooperation and questions focused more on the topic, and an overhaul to make the meetings shorter, more interesting, and more insightful.

Vice-President Gravanis stated that it is important for Commissioners to regularly attend meetings and to adhere to the meeting schedule. It was stated that there should be an internal understanding or policy that Commissioners would deviate from that published schedule only when there is an emergency. Vice-President Gravanis stated that the Commission has an attendance policy, and the Commission Secretary is required to keep a record of Commissioner's attendance and submit a report to the Mayor's Office, the appointing authority. The policy states that Commissioners are expected to attend regular meetings, but there is no requirement or negative consequence if Commissioners do not attend meetings. If a Commissioner does not attend three meetings in a row, it is recorded and sent to the Mayor's Office, but there is no requirement that missing three meetings cannot be done.

Commissioner Martin stated that only five of the seven Commission members have been regularly attending Commission meetings and inquired about their expectation for attending future meetings. It was stated that the Commission is missing out on the insightful commentary from those fellow Commissioners. President Pelosi Jr. reported that Commissioner Rodriguez Heyman is out of the country at this time.

President Pelosi Jr. stated that most Commission meetings have been consistent with the regular meeting schedule, and that the Policy Committee meetings have been changed due to speaker availability. Vice-President Gravanis reported that the Operations Committee was supposed to provide advice to the Commission on the Department's budget, but was rescheduled due to not meeting quorum requirements. President Pelosi Jr. stated that he would consider re-staffing the Operations Committee because one Commissioner has not been available for meetings recently. Commissioner Tuchow was appointed as the future Chair of the Operations Committee.

8. Operations Committee Report. (Information and Discussion)

Chair's Report: Report on the February 4, 2009 Rescheduled Meeting and review of the agenda for the upcoming rescheduled meeting of April 15, 2009, at 5:00 p.m., Room 421, City Hall.

Commissioner Tuchow reported that the Operations Committee met on February 4th to review the Department's budget. The budget had been previously reviewed at the full Commission meeting and because of the timing of the submission, the Commission agreed to approve the budget contingent to review at the February 4 Operations Committee meeting. At the February 4 meeting, budget revisions were reviewed and no significant changes were recommended.

9. Policy Committee Report. (Information and Discussion)

Chairs Report: Highlights of the February 9 meeting and review of the agenda for the April 13, 2009 meeting to be held at City Hall, Room 421.

Chair Wald requested that Commissioner Martin report on the February 9th meeting. Commissioner Martin reported that the February 9th meeting discussion included a review and adoption by the Policy Committee for recommendation to the Commission of Urban Environmental Accords 9, 15 and 17. In addition, a brief update and presentation was given on refuse service rates and regulations in response to public comment received at a prior meeting that there was not an available rate structure that applies to people who are not using the service but are required to pay for it. Committee members learned that the intention is to introduce a new rate that will allow people to have less service, but the service would still be required by law.

Commissioner Martin explained that the Policy Committee did not hold their March meeting because a full Commission meeting was held in its place and asked that future Policy Committee meetings not be cancelled for this purpose in the future. President Pelosi Jr. stated that due to timing issues, a special meeting was called to discuss an important issue regarding water pollution in the bay which he wrote an excerpt on for the meeting. It was explained that PUC's speakers did not attend as previously planned, and that in the future, additional lead time should be provided. Commissioner Martin reported that an agenda item is scheduled for the April 13 Policy Committee to discuss issues of pollution and would include a discussion by SWAIE and PUC. It was recommended that all Commissioners be copied on the Policy Committee's future agenda checklist to keep apprised of upcoming items.

Vice-President Gravanis stated that the Department does not have staff or funding assigned to water issues but is in support of having a hearing on San Francisco's Wastewater Master Plan and pollution impacts.

10. Commission Secretary's Report. (Information and Discussion) (Explanatory Document: Commission Secretary's Report (PDF)

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/CommissionSecretaryReport032409.pdf>

Monica Fish, Commission Secretary

- **Communications and Correspondence**
- **Update on Pending City Legislation**

The Commission Secretary's Report can be accessed at the link above.

11. Director's Report. (Information and Discussion) (Explanatory Document: Director's Report (Word)

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/DirectorsReportMarch2009.doc>

Updates on Department of the Environment administrative and programmatic operations relating to Budget Planning, Strategic Planning, Clean Air, Climate Division, Outreach and Education Division, Environmental Justice Division, Zero Waste, Toxics Reduction Program, and the Urban Forestry Division.

The Director's Report can be accessed at the link above.

12. Announcements. (Information and Discussion)

Commissioner Martin reported that she was able to attend a presentation at the Rosa Parks Elementary School who is one of three in the nation grand prize winner of Eco Media Green Schools Challenge. The students created a competitive video entry submission and won \$250,000 to green that school. Three schools were chosen, one in San Francisco, Chicago and Miami. Acting Director Assmann stated that he would request that the Department's School Education Program give special recognition to Rosa Parks Elementary School when they do the awards ceremony.

13. President's Announcements. (Information and Discussion)

President Pelosi Jr. stated that he and Mr. Blumenfeld met with the Department of Energy staff to identify solar projects in San Francisco as \$6 billion has been dedicated to home guarantees. It was explained that the Department of Energy believes they can turn the \$6 billion into \$300 billion worth of projects by doing guarantees instead of direct lending. President Pelosi Jr. reported that every couple of months 25 cities within California get together to discuss best practices, and that the next meeting would be held in mid-April. President Pelosi Jr. stated that he had met with the Department of Energy in Washington D.C. and there has been new jobs created in this area.

Commissioner King left the meeting at 6:07 p.m. Commissioner Tuchow left the meeting at 7:20 p.m. Commissioner Wald left the meeting at 7:25 p.m. The meeting adjourned at this time due to a loss of quorum.

14. New Business/Future Agenda Items. (Information, Discussion and Possible Action) There was no new business or future agenda items discussed at this time.

15. Public Comments: Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda.

Mr. Paul Liotsakis, Associate Director, San Francisco Community Power, reported that the organization is a resource conservation organization, focused primarily on water and energy efficiency measures, and provides training for people on marketing and auditing buildings for implementation of efficiency measures. Mr. Liotsakis encouraged the Department that when and if receiving stimulus money, that Request for Proposal(s) are issued that would allow non-profits to participate as it relates to outreach, marketing, and implementation of efficiency measures. It was explained that the Department has a policy of meeting their energy efficiency goals through contractors who are not always local.

Ms. Aimee Horikiri, discussed the public school system's operations in terms of energy efficiency and environmental sustainability. It was recommended that public universities adopt ISO14000 standards to govern their office operations in order to reduce waste of energy and natural resources. Statement was provided and is available at the Department of the Environment upon request.

16. Adjournment. The Commission on the Environment meeting adjourned at 7:25 due to a loss of quorum.

*** Copies of explanatory documents are available at (1) the Commission's office, 11 Grove Street, San Francisco, California between the hours of 9 a.m. and 5 p.m., (2) on the Commission's website at http://sfgov.org/site/sfenvironment_meeting.asp?id=61004; (3) by clicking on the links by each agenda item above, (4) upon request to the Commission Secretary, at telephone number 415-355-3709, or (5) via e-mail at Monica.Fish@sfgov.org within three business days of a meeting.*

Explanatory documents that are received after posting of this agenda are available on the website or upon request to the Commission Secretary at the contact information listed above.

Respectfully submitted by,

Monica Fish, Commission Secretary
TEL: (415) 355-3709
FAX: (415) 554-6393

Approved: May 26, 2009

MAR 27 2009

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[Prioritize Three Urban Environmental Accords Actions for Adoption]
Resolution prioritizing three key Urban Environmental Accords actions for adoption by the Commission on the Environment for the Commission and Department of the Environment to work on for Calendar-Year 2009.

WHEREAS, In 1945 the leaders of 50 nations gathered in San Francisco to develop and sign the Charter of the United Nations; and

WHEREAS, The City of San Francisco was chosen by the United Nations to host UN World Environment Day 2005 during the historic 60th anniversary of the United Nations; and

WHEREAS, San Francisco sponsored a week long celebration with over 350 community-based environmental events for United Nations World Environment Day that was attended by Mayors from around the globe, and

WHEREAS, Every day of the World Environment Day week, the participating mayors met in Urban Environmental Accords sessions to share solutions to the challenges common to all mayors, discussing experiences and offering solutions to ensuring safe and clean energy, water, air, food, homes, and public spaces for our citizens, and

WHEREAS, Mayors acknowledged the importance of the obligations and spirit of the 1972 Stockholm Conference on the Human Environment, the 1992 Rio Earth Summit (UNCED), the 1996 Istanbul Conference on Human Settlements, the 2000 Millennium Summit, and the 2002 Johannesburg World Summit on Sustainable Development, and

WHEREAS, Mayor Newsom initiated and signed the Urban Environmental Accords recognizing that for the first time in history, a majority of the world's population lives in cities, and Mayors and local policymakers have a unique opportunity to provide leadership in advancing sustainability, fostering vibrant economies, promoting social equity, and protecting the planet's natural systems, and

WHEREAS, Under the leadership of San Francisco, 100 Mayors and Cities around the world signed onto and began implementation of the Urban Environmental Accords, and

WHEREAS, The Accords state that between 2005 and 2012, cities should attempt to implement as many of the 21 Accords as possible, with each city adopting three Accords every year with progress recognized through a *City Green Star Program* - with 4 stars being the objective, and

7 WHEREAS, The Commission on the Environment's Policy Committee held a public
8 hearing on Monday, February 9, 2009, to hear input from the public on which Urban
9 Environmental Accords should be prioritized for the Commission and Department of the
10 Environment to work on for calendar year 2009; and

WHEREAS, At that hearing The Commission's Policy Committee and the Department of the Environment considered all Accords in the context of the following criteria (1) political opportunities to move issues forward in the coming year, (2) available budget and human resources for implementation, (3) current national and regional impact, (4) public visibility aspects, (5) issues that would bring together different coalitions effectively, (6) something measurable that can be completed in a year, and

17 WHEREAS, the Policy Committee and staff at its February 9, 2009 meeting reviewed
18 progress made towards all accords and identified three key Urban Environmental Accords
19 actions for adoption by the Commission on the Environment; now therefore, be it

20 RESOLVED, The Commission on the Environment at its March 24, 2009 Commission
21 meeting considered and adopted the following three key Urban Environmental Accords
22 actions as priorities to work on for calendar year 2009 based on the Commission's Policy
23 Committee's recommendations:

24 Action 9: Adopt a policy or implement a program that creates environmentally
25 beneficial jobs in low-income neighborhoods.

Action 15: Implement a policy to reduce the percentage of commute trips by single occupancy vehicles by ten percent in seven years.

Action 17: Promote the public health and environmental benefits of supporting locally grown organic foods. Ensure that twenty percent of all city facilities (including schools) serve locally grown and organic food within seven years.

8 I hereby certify that this Resolution was approved at the Commission on the
Environment's Meeting on March 24, 2009.

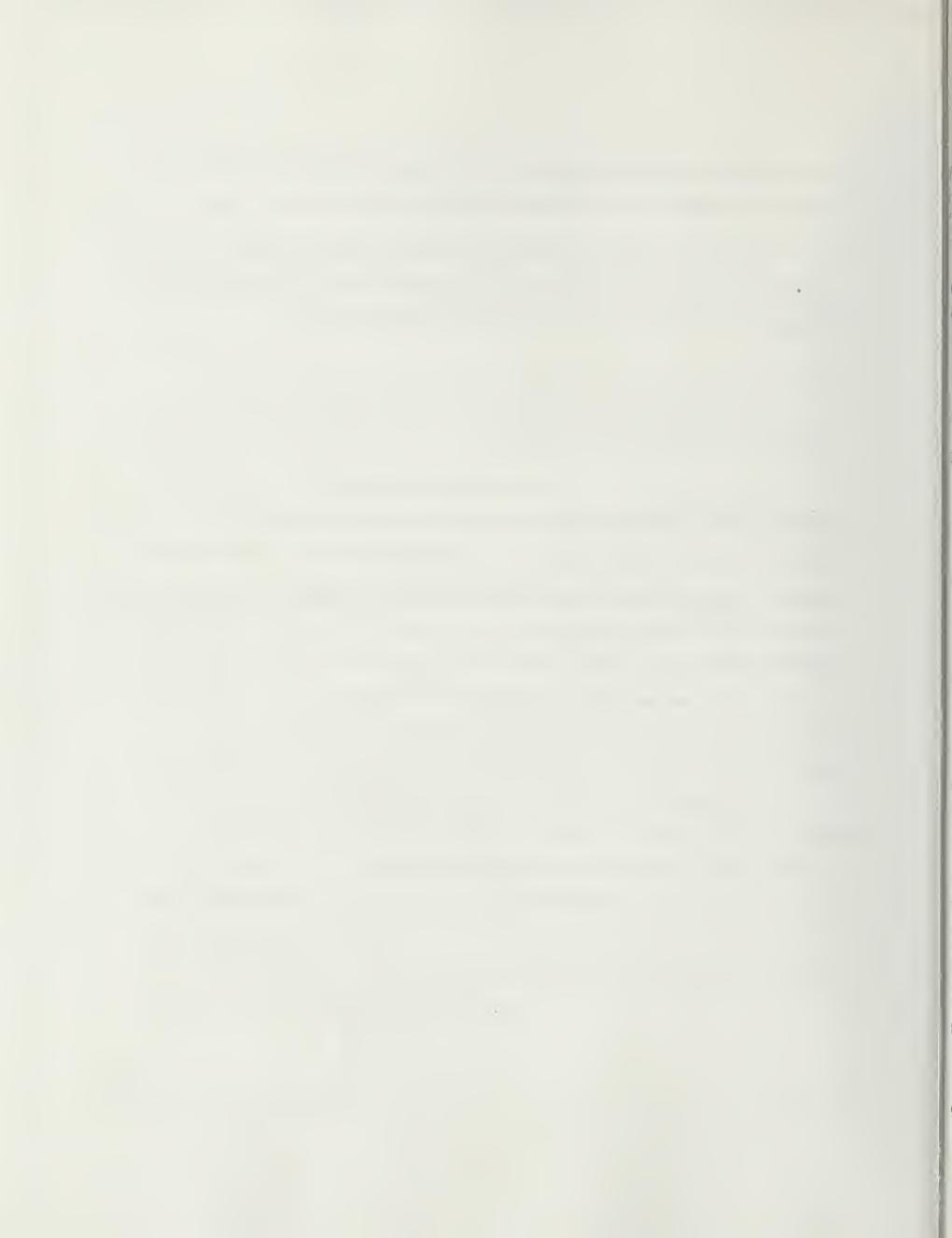
Monica Fish

12 VOTE: APPROVED 6-0 (1 Absent)

13 Ayes: President Pelosi Jr., Vice-President Gravanis, Commissioners King, Martin, Tuchow
14 and Wald

15 Noes: None

¹⁶ Absent: Commissioner Rodriguez-Hayman



CITY AND COUNTY OF SAN FRANCISCO
COMMISSION ON THE ENVIRONMENT

GOVERNMENT
DOCUMENTS DEPT

NOTICE OF MEETING AND AGENDA
TUESDAY, MAY 26, 2009, 5:00 P.M.
City Hall, Room 416
San Francisco, CA 94102

MAY 22 2009

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COMMISSION MEMBERS: Commissioners Paul Pelosi Jr. (President), Ruth Gravanis (Vice-President), Angelo King, Alan Mok, Jane MarieFrancis Martin, Matt Tuchow, Johanna Wald

ORDER OF BUSINESS

Public comment will be taken before the Commission takes action on any item.

1. Call to Order and Roll Call.
2. Adoption of Minutes of the March 24, 2009 Commission Regular Meeting. (Explanatory Document: March 24, 2009 Draft Minutes http://sfgov.org/site/sfenvironment_page.asp?id=101855) (Discussion and Action)
3. Public Comments: Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda.
4. Approval of the 2008 Annual Report on the Implementation of the Precautionary Purchasing Ordinance. Sponsor: Acting Director David Assmann, Staff Speakers: Chris Geiger, Ph.D., City Toxics Reduction Coordinator and Paul Ledesma, City Government Recycling Coordinator (Explanatory Document: 2008 Annual Report) (Informational Report, Discussion and Action)
5. Update on Ocean (Wave and Tidal) Power Projects. Sponsor: Acting Director David Assmann; Staff Speaker: Johanna Partin, Renewable Energy Program Manager (Explanatory Document: City and County of San Francisco Federal Energy Regulatory Commission (FERC) Application) (Informational Report and Discussion)
6. Presentation and Approval of Commuter Benefits Ordinance Compliance Rule Making and Presentation on the Commuter Benefits and Emergency Ride Home Programs. Sponsor: Acting Director David Assmann; Staff Speaker: Faiz Khan, Transportation Demand Management (TDM) Manager (Explanatory Documents: Commuter Benefits Compliance Forms) (Informational Presentation, Discussion and Action)
7. Description of the Overall Process of the Mayor's Office to Develop Projects for American Recovery and Reinvestment Act (ARRA) Funds, the Projects Being Developed by the Department of the Environment, and the Process Going Forward. Sponsor: Acting Director David Assmann; Staff Speakers: Cal Broomhead, Energy and Climate Programs Manager, Vandana Bali, Manager Clean Vehicles Program, Bob Hayden, Clean Transportation Advisor (Informational Report and Discussion)
8. Commission Questionnaire to Solicit Legislative Ideas from Environmental Organizations. Sponsor: Commissioner Jane Martin, Staff Speaker: Mark Westlund, Program Outreach Manager (Explanatory Document: Questionnaire) (Discussion)
9. Operations Committee Report. (Information and Discussion)
Chair's Report: Report on the April 15, 2009 Meeting and review of the agenda for the upcoming meeting of July 15, 2009 at 5:00 p.m., to be held at the Department of the Environment Eco Center.

10. Policy Committee Report. (Information and Discussion)

Chairs Report: Highlights of the April 13 and May 11, 2009 meetings and review of the agenda for the June 8, 2009 meeting to be held at City Hall, Room 421.

11. Commission Secretary's Report. (Explanatory Document: Commission Secretary's Report) (Information and Discussion)

Monica Fish, Commission Secretary

- **Communications and Correspondence**
- **Update on Pending City Legislation**

12. Director's Report. (Explanatory Document: Director's Report) (Information and Discussion)

Updates on Department of the Environment administrative and programmatic operations relating to Budget Planning, Strategic Planning, Clean Air, Climate Division, Outreach and Education Division, Environmental Justice Division, Zero Waste, Toxics Reduction Program, and the Urban Forestry Division.

13. Announcements. (Information and Discussion)

14. President's Announcements. (Information and Discussion)

15. New Business/Future Agenda Items. (Information, Discussion and Possible Action)

16. Public Comments: Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda.

17. Adjournment.

Monica Fish, Commission Secretary

TEL: (415) 355-3709; FAX: (415) 554-6393

The next Meeting of the Commission on the Environment is scheduled for Tuesday, July 28, 2009, 5:00 p.m. at City Hall, Room 416.

*** Copies of explanatory documents are available at (1) the Commission's office, 11 Grove Street, San Francisco, California between the hours of 9 a.m. and 5 p.m., (2) on the Commission's website http://sfgov.org/site/sfenvironment_meeting.asp?id=61004; (3) by clicking on the links by each agenda item above, (4) upon request to the Commission Secretary, at telephone number 415-355-3709, or (5) via e-mail at Monica.Fish@sfgov.org within three business days of a meeting.* If any materials related to an item on this agenda have been distributed to the Commission after distribution of the agenda packet, those materials are available for public inspection at the Department of the Environment, 11 Grove Street, San Francisco, CA 94102 during normal office hours or will be made available at the Commission's website http://sfgov.org/site/sfenvironment_meeting.asp?id=61004 as links to the agenda or meeting minutes (by item).

Important Information

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

NOTE: Persons unable to attend the meeting may submit to the Commission on the Environment, by the time the proceedings begin, written comments regarding the agenda items above. These comments will be made a part of the official public record and shall be

brought to the attention of the Commission on the Environment members. Any written comments should be sent to: Commission Secretary of the Environment, 11 Grove Street, San Francisco, CA 94102 by 5:00 p.m. on the day prior to the hearing. Comments that cannot be delivered to the Commission Secretary by that time may be taken directly to the hearing at the location above.

When bringing handouts to meetings, please photocopy on both sides of the paper and try to use post-consumer recycled or tree-free paper. Also, please bring sufficient copies of handouts for the Commission, the Commission Secretary and the public.

Public Comment

At this time, members of the public may address the Commission on items of interest that are within the subject matter jurisdiction of the Commission but are not on today's agenda. Public comment will be taken following each agendized item. Each member of the public may address the Commission for up to three minutes, unless otherwise announced by the President. If it is demonstrated that the comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

The Brown Act forbids the Commission from taking action or discussing any item or issue not appearing on the posted agenda. This rule applies to issues raised in public comment as well. In response to public comment, not on an agendized item, the Commission is limited to:

1. Briefly responding to statements made or questions posed by members of the public, or
2. Request staff to report back on a matter at a subsequent meeting, or
3. Directing staff to place the item or issue on a future agenda (Government Code Section 54954.2(a)).

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The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact Monica Fish at (415) 355-3709 to make arrangements for the accommodation. Late requests will be honored, if possible.

Know your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force, Frank Darby, Jr., Sunshine Task Force Administrator, City Hall, Room 409, One Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683 at Phone No.: (415) 554-7724; Fax No.: (415) 554-7854; E-mail: sotf@sfgov.org. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.sfgov.org.

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100, et. seq] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 25 Van Ness Avenue, 2nd Floor, San Francisco, CA 94102; telephone (415) 252-3100, fax (415) 252-3112, web site at www.sfgov.org/ethics.

Posted: May 20, 2009



**BEFORE THE UNITED STATES
FEDERAL ENERGY REGULATORY COMMISSION**

APPLICATION FOR PRELIMINARY PERMIT

San Francisco Oceanside Wave Energy Project

Applicant:

City and County of San Francisco

February 2009

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Attachments

Figure 1. Project Location

Figure 2. Jurisdictional Boundaries

Appendix A. Extract from the Constitution of California

Appendix B. Affidavit of D. Ian Austin

Appendix C. List of agencies and groups contacted by Applicant

VERIFICATION STATEMENT

This application for a preliminary permit is executed in the:

State of: California

County of: San Francisco

By: Barbara Hale

Title: Assistant General Manager for Power
Address: San Francisco Public Utilities Commission
1155 Market Street, 4th Floor
San Francisco, CA 94103

Being duly sworn deposes and says that the contents of this application for a preliminary permit are true to the best of her knowledge or belief. The undersigned has signed this application for a preliminary permit on this 24 day of February 2009.

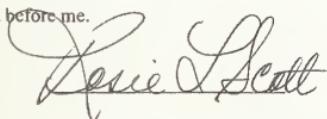
Applicant: City & County of San Francisco, California

By:



Subscribed and sworn to before me, a Notary Public in the State of California, on this 24 day of February 2009, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Notary:



**PRELIMINARY PERMIT APPLICATION
FOR
SAN FRANCISCO OCEANSIDE WAVE ENERGY PROJECT**

INITIAL STATEMENT

1. Statement of Application

The City and County of San Francisco (San Francisco or Applicant) applies to the Federal Energy Regulatory Commission (Commission) for a preliminary permit for the proposed San Francisco Oceanside Wave Project, as described in the attached exhibits (Application). The Application is made in order that the Applicant may secure and maintain priority of application for a license for the project under Part I of the Federal Power Act while obtaining the data and performing the acts required to determine the feasibility of the project and to support an application for a license. The Applicant requests that the Commission consider this Application as a competing application with that of Grays Harbor Project P-13308-000. The Applicant submits that this Application is a competing application based on the details herein and attested to in the affidavit attached as Appendix B.

San Francisco is acting through the San Francisco Public Utilities Commission (SFPUC), the San Francisco Department of the Environment (SFDOE), and the Office of the City Attorney.

The project is described in detail in the attached exhibits. The project aims to demonstrate the feasibility of generating electric power from waves approximately 8 miles off the west coast of San Francisco. The Applicant has performed initial work on the project including technology assessment, resource evaluation and public outreach, as detailed herein. During the preliminary permit period, the Applicant will continue the work already started and will obtain additional data, perform site-specific studies, and continue outreach to stakeholders in order to determine the feasibility of a large scale wave energy project, with a targeted capacity range of 10 to 30 MW (and the potential for up to a 100 MW peak of installed capacity), and to support an application for a license for such a project.

2. Project Location

The location of the proposed project is:

State:	California
Counties:	San Francisco and San Mateo
Nearby town(s):	San Francisco, Pacifica and Daly City
Stream or other body of water:	Pacific Ocean

The project will be located in the Pacific Ocean approximately 8 miles west of San Francisco within an exclusion zone in the Monterey Bay National Marine Sanctuary (see Figure 1). The exclusion zone provides an approximately 10.5 mile by 8 mile buffer zone around the 4.5 mile long Southwest Ocean Outfall from the Applicant's Oceanside Wastewater Treatment Plant. The category of wave energy conversion (WEC) devices under consideration will require operations in water depths of up to 110 feet, the depth of water at the outer edge of the exclusion zone. The application covers a study area that extends approximately 5.5 nautical miles (10.2 km) in the alongshore direction (north-south) and 3.5 nautical miles (6.5 km) in the offshore direction (east-west) resulting in a study area of 25 square miles (66 km²). The study area, shown in Figure 1, has the following coordinates:

Point	Latitude	Longitude
1	37° 36.85'N	122° 32.7'W
2	37° 36.85'N	122° 37.2'W
3	37° 42.35'N	122° 38.4'W
4	37° 42.35'N	122° 33.9'W

A submarine transmission cable will carry power from the project area to shore (see Figure 1 and Exhibit 3 - Project Map for proposed locations) for connection to the grid in San Francisco. To minimize the area of the disturbed sea bottom, the cable alignment will follow the alignment of the existing Southwest Ocean Outfall pipeline from the existing Oceanside Wastewater Treatment Plant.

The project location and cable alignment were developed as part of the Applicant's ongoing wave energy feasibility studies evaluating WEC technologies and associated potential environmental impacts, collecting measurements of the wave resource offshore, and initiating outreach and permitting. The feasibility studies quickly identified that development would be prohibited in the two Marine Sanctuaries located west of San Francisco as they provide habitat for protected species. However, the exclusion zone in those Sanctuaries surrounding the Southwest Ocean Outfall pipeline

provides a location that offers both close proximity to San Francisco and a logical transmission alignment to the shore.

Both long-term wave buoy data and recent site-specific wave data studies by the Applicant and others indicate that the wave resource in the San Francisco offshore area is suitable for wave energy extraction. In May 2007, the California Energy Commission released the California Ocean Wave Energy Assessment which showed a wave power density of 30.3 kW/m along a 104 km section of coast centered on San Francisco. Wave densities along the central and northern California coast were indicated to range from 25 to 35 kW/m (kilowatt per meter). As part of its site-specific tidal and wave power feasibility studies initiated in 2006, the Applicant has evaluated long-term wave data records from two buoys west of San Francisco. The National Buoy Data Center (NBDC) buoy at station 46026, located approximately 20 miles west of the Golden Gate, contains hourly wave height and period data from 1982 to 2006. The Coastal Data Information Program (CDIP) buoy number 0029, located approximately 21 miles offshore of Point Reyes, provides archived and recent swell height, period, and direction data from 1986 to January 2009. The historical data show average annual significant wave height is in the range of 2 to 3 m (6.5 to 10 feet) and the average wave energy density is approximately 25 kW/m. The monthly average wave heights are higher during winter months.

To confirm the wave energy profile at the project site, the Applicant has deployed an Acoustic Doppler Current Profiler (ADCP) wave meter at the outer edge of the study area, approximately 8 miles offshore and in a water depth of 110 feet. Data collected during an initial deployment in September-October 2008 recorded significant wave heights ranging from 1.5 to 4 m, with corresponding hourly wave energy densities ranging from 13 kW/m to over 140 kW/m. The ADCP has been redeployed to collect site-specific wave data from mid-November 2008 through mid-February 2009.

3. Name, Business Address, and Telephone Number of Applicant

The exact name, business address, and telephone number of the Applicant is:

City and County of San Francisco
City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94012-4682

The exact names and business addresses of persons authorized to act as agent for the Applicant in this application are:

Ms. Barbara Hale
Assistant General Manager, Power Enterprise
San Francisco Public Utilities Commission
City and County of San Francisco
1155 Market Street, 4th Floor
San Francisco, CA 94013
Tel: 415-554-2483
(bhale@sfgwater.org)

Mr. David Assmann
Acting Director
Department of the Environment
City and County of San Francisco
11 Grove Street
San Francisco, CA 940123
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(david.assmann@sfgov.org)

Mr. Stephen Morrison
Deputy City Attorney
Office of the City Attorney
City Hall, Room 234
San Francisco, CA 94012-4682
Tel: 415-554-4637
(stephen.morrison@sfgov.org)

4. Preference under Section 7(a) of the Federal Power Act

The Applicant is a municipality and is claiming preference under section 7(a) of the Federal Power Act. The City and County of San Francisco is municipal entity established as a Charter City under the laws of the State of California, specifically Article XI Section 3.(a) of the California Constitution. The San Francisco Charter, at Article VIIIB, establishes a Public Utilities Commission (the SFPUC) with exclusive management jurisdiction and control over energy supplies and utilities of

the City. The SFPUC has operated water and power utilities for San Francisco for over one hundred years. The San Francisco Environment Code, Chapter 9: Sec. 907, promotes generating electricity locally through renewable generation.

Sections of the California Constitution are attached as Appendix A.

The City Charter can be accessed via the following link:
<http://www.municode.com/Resources/gateway.asp?pid=14130&sid=5>

The Environment Code can be accessed via the following link:
<http://www.municode.com/Resources/gateway.asp?pid=14134&sid=5>

5. Proposed term of the requested permit

The proposed term of the requested permit is 36 months.

6. Existing Dams or Other Project Facilities

No existing dam or other project facility is part of the proposed project.

EXHIBIT 1
DESCRIPTION OF PROPOSED PROJECT

1. Project Structures

The project is located approximately 8 miles west of the California shoreline in the Pacific Ocean. The project will be located in California state waters and U.S. territorial waters adjacent to the County of San Francisco and the County of San Mateo. The project will use a yet-to-be determined number of WEC devices to transform the energy of ocean waves into a clean, renewable, source of electricity. The use of technology which delivers high pressure water to the shoreline to drive turbines, such as CETO, would require a powerhouse near the landfall location. With the exception of the possible use of such high pressure water type technology, there will be no proposed structures such as dams, spillways, penstocks, powerhouses or tailraces associated with the proposed project.

2. Reservoirs

There are no reservoirs associated with the proposed project.

3. Transmission Lines

If a non CETO-type technology is selected, a standard three-phase AC armored submarine cable with voltage between 6 and 12 kilovolts would be used to transmit power from the project site to the landside interconnect with the grid in San Francisco. To minimize sea bottom impacts, any such submarine cable, or high-pressure water conduit, will follow the alignment of the existing Southwest Ocean Outfall shown on Figure 1. Any transmission line or conduit would be buried beneath the seafloor sediment using a hydroplow or similar device. A hydroplow is suitable for cable/conduit burial in the sandy sediments found from the project area to the shoreline. Deeper burial may be required at the shoreline crossing. The cable or conduit will make landfall near the Oceanside Wastewater Treatment plant which is owned and operated by the Applicant. Transmission from this point would be via a transmission line interconnected with the electric substation at the Martin or Daly substation in southern San Francisco or northern San Mateo County, at a distance of approximately 5 and 0.5 miles, respectively, from the Oceanside plant. The exact details of any submarine

transmission cable, including capacity and connection details, will be determined during the feasibility study for the proposed project. The proposed project will comply with the applicable interconnection and scheduling requirements of Pacific Gas and Electric (PG&E), the California Independent System Operator (CAISO) and the Commission.

4. Estimated Annual Energy Production

The Applicant will initially deploy and test WEC devices from two or more different manufacturers, and up to an installed capacity of 3 MW. The Applicant plans to incrementally expand the project to a rated capacity of between 10 and 30 MW. While there exists the potential for up to 100 MW peak of installed capacity, in the foreseeable future the Applicant estimates the annual energy output of the 30 MW power system to be 80,000 MWh/year. These estimates will be subject to revision depending on the selected technologies. Any devices selected for inclusion in the project will be in new condition. Hydraulic head is not relevant to the estimate of capacity and energy output of this project.

5. Lands of U.S.

All lands within the proposed project boundary are identified in Figure 2, Exhibit 3. The aquatic portion of the project would be located on state submerged lands as well as federal waters, but not on "lands of the United States" as defined in the Federal Power Act.

6. The Proposed Project Would Develop, Conserve, and Utilize in the Public Interest the Water Resources of the Region

The project will develop a new source of renewable electricity, which: (i) generates clean and renewable energy with, given proper care in siting, installation, and operation, minimal effects on the environment; (ii) provides much needed reliable and cost-effective power generation along the California coast; (iii) diversifies power generation sources; and (iv) creates new local jobs and promotes economic development from the construction, operation, and maintenance of the project.

The project will create a reliable and sustainable source of energy in a manner which will minimize environmental impacts because the source of energy originates from ocean movements and does not rely on consumption of non-renewable fossil fuels. The project also increases domestic energy security.

The Energy Policy Act of 2005 encouraged the development of renewable energy resources, including ocean energy. California established its Renewable Portfolio Standard Program in 2002 with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent by 2017. The California Energy Commission in its 2004 Energy Report Update recommended a target of 33 percent renewable energy by 2020. In 2006 under Senate Bill 107, the California Renewables Portfolio Standard codified the 20 percent goal by 2020. On November 17, 2008, California Governor Arnold Schwarzenegger signed Executive Order S-14-08 which requires California utilities to reach a 33 percent renewables standard by 2020.

Wave energy projects are potentially one of the more environmentally benign forms of renewable energy, provided proper care is taken in siting, installation and operation of facilities. The WEC devices that the Applicant is considering for this project do not involve the construction of dams or reservoirs and will not affect water quality. Moreover, because the devices will be fully submerged, they would not be visible from the shore, thus negating aesthetic concerns. The moorings for the devices being considered are single-point structural foundations (no mooring lines) which will minimize impacts to marine life.

San Francisco has policy objectives to develop a considerable proportion of its energy needs from renewable sources. This project could significantly contribute towards those renewable energy objectives. The Applicant has, therefore, been evaluating the feasibility of renewable tidal and wave power opportunities for San Francisco for several years, including the evaluation of specific WEC technologies and their potential environmental impacts, evaluation and measurement of offshore wave resources, pursuing permitting issues and conducting outreach. In order to screen existing and proposed WEC technologies being pursued by independent device manufacturers, the Applicant has

developed a set of criteria to evaluate the suitability of various devices for deployment off San Francisco's coast, considering a range of physical and environmental factors.

Key WEC device screening criteria include:

- Potential impacts to protected marine mammals from mooring systems
- Visual impacts given proximity to San Francisco
- Stage of development (i.e. whether the devices are ready for a 2012 pilot deployment)
- Capability of operating in 25 to 30 m depth of water
- Rated power given 2 to 10 m wave height, 6 to 20 second wave period regime
- Number of devices needed for 10 MW and 30 MW systems
- Survivability of the equipment
- Operation and maintenance requirements

Considerable attention has also been given to siting the project area. Siting factors include:

- Gulf of Farallones and Monterey Bay Marine National Marine Sanctuary habitat and protected species
- Opportunities to minimize impacts by co-locating along the Southwest Ocean Outfall alignment
- Commercial vessel traffic lanes entering and exiting San Francisco Bay
- Dredging operation supporting Ocean Beach restoration and littoral sediment transport mechanisms
- Commercial fishing activities, particularly crab pots
- Recreational flat fish and salmon sport fishing
- Surfing and other recreational activities

Studies and outreach to date have identified minimizing impacts to migrating gray whales and other marine life and, given the importance of tourism in the Golden Gate area, minimizing adverse aesthetic impacts to the San Francisco marine environment, as particularly important environmental considerations. In light of these findings, the Applicant is focusing on fully submerged devices to eliminate aesthetic impacts, and devices that have single point fixed connections to the sea bottom to minimize the potential for entangling whales.

Development of a wide variety of different WEC devices is being pursued by device manufacturers and there is currently no consensus on the optimum technology. Of the five main categories of wave devices (pitching, heaving, surging, overtopping and oscillating water column) there are a number of promising full submerged surge-type devices that have reached the stage of

prototype testing and that could meet the Applicant's evaluation criteria. Only devices which have progressed to sea trials of prototype devices are being considered. Potential technologies include the bioWave, WaveRoller and CETO devices. The bioWave and CETO technologies are surging devices that operate in the 75 to 110 feet of water at the project site and both are undergoing at-sea trials in Australia. A 250 kW bioWave device is undergoing at-sea tests in Tasmania and the CETO device is being tested offshore of Fremantle. A second generation of the WaveRoller technology was installed in Portugal in 2008. Collaborative agreements have been established between technology developers and the Applicant.

Studies that will be performed during the 36-month preliminary permit period are outlined in Exhibit 2. Those studies will include additional resource studies, evaluation of potential marine impacts, WEC selection, and design for commercial build-out including the onshore grid interconnection. An initial step of the project will be the pilot deployment of a limited number of the WEC devices (2 or 3) to confirm the technological, environmental, and economic aspects of the project. Wave energy calculations indicate that, at full build-out, the project site could accommodate up to 100 WECs, each rated at up to 1 MW for a 100 MW rated project. However, the targeted baseline commercial phase of the Applicant's project is a system with a capacity range of 10 to 30 MW. Details of a commercial system will be developed during the preliminary permit studies.

Multiple individual WEC devices would be arranged in an array in the project area. It is envisioned that a 10 MW commercial system could be configured as two rows of five 1 MW WECs spaced at 100 meter intervals for a project area of 0.5 km by 200 meters. A 30 MW commercial system could include two rows of 1 MW WECs spaced at 100 meter intervals for a system area of approximately 1.5 km by 200 meter (1 mile by 650 feet). These system areas would easily fit within the Study Area shown in Figure 1.

The proposed project will consist of the offshore WEC devices, and submarine transmission cable comprised of power cables, fiber optic communication cables, and potential onshore interconnection to the electric grid. For a CETO-type system, the proposed project would consist of the offshore WEC devices, a high pressure pipeline and seawater return system (or closed loop water

system), an onshore generator and potential onshore interconnection to the grid in San Francisco. The project would not necessarily be connected to the grid.

Given the proximity to the inbound Southern Traffic lanes approaching the entrance to San Francisco Bay, consideration would be given to appropriate aids to navigation positioned around the deployment area, in accordance with U.S Coast Guard requirements.

The submarine transmission cable would run from an offshore hub junction box to shore along the alignment of the Southwest Ocean Outfall. The length of the submarine transmission cable from the offshore hub to the shoreline would be approximately 6 miles. The shoreline terminus of the transmission cable would be a grid interconnection at the Oceanside Wastewater Treatment plant. The plant power system has the capacity to accept an additional 2 to 3 MW. For any subsequent commercial development, up to 10 MW, the transmission line could interconnect with the Daly City substation in San Mateo County, a distance of approximately 0.5 miles. Connection for a 30 MW project might require connection to the larger Martin substation in southern San Francisco, a distance of approximately 5 miles from the Oceanside facility. Upgrades at the Daly and Martin substations are likely to include a control station, transformer, circuit breaker, and other interconnect equipment dedicated to the proposed project. The exact details of the submarine transmission cable and interconnection, such as capacity, length and end connections, will be determined during the feasibility study stage of the project.

Approximately one year ago, the Applicant started a feasibility study for the proposed wave energy project including a resource evaluation, an initial identification of potential environmental issues, and stakeholder outreach. San Francisco will continue to assess the details of the wave resource through ongoing wave data collection at the project location. An initial screening level set of environmental factors and issues, including the requirements of the California Environmental Protection Act (CEQA) and the National Environmental protection Act (NEPA), has been identified and the list will be refined through further research and during stakeholder meetings. While the subsea conditions near the project area have been studied as a part of beach nourishment programs at

Ocean Beach, site-specific bathymetric and physical sediment data will be collected as part of the feasibility studies. The sea bottom in the project area is largely flat and is comprised of sand and silts.

The proposed study site is situated within the exclusion zone of the Monterey Bay Marine Sanctuary to minimize impacts to protected marine habitat and is outside the shipping channels leading to San Francisco Bay ports. The exclusion zone and navigation channels are shown on Figure 1. The area where WEC devices would be deployed would need to be designated as a project-related hazards zone where fishing and recreational boating are prohibited or restricted. The designated project area will be established during the feasibility studies in consultation with stakeholders including resource agencies and interested or potentially affected parties.

After the Applicant files a development license application, and if the Commission ultimately grants the project a development license, the deployment of WEC devices is expected to proceed in a phased approach starting with initial deployment and testing of one to three devices through the first stage of the commercial installation, approximately 10 times 1 MW devices, building to the targeted commercial capacity of 30 MW.

EXHIBIT 2
DESCRIPTION OF PROPOSED STUDIES

1. Description of Studies

Studies to be carried out:

Upon obtaining a preliminary permit, the Applicant will undertake a series of activities and studies in the following topic areas:

- Agency and Stakeholder Outreach
- Environmental and Physical Site Studies
- Technology Selection
- Interconnect Design
- Financial Analysis
- Pilot Project Licensing and other permitting

Agency and Stakeholder Outreach

The Applicant will consult with appropriate regulatory and resource agencies and other stakeholders to identify important, protected and restricted resources in the project area. San Francisco has developed a list of stakeholders as part of the ongoing wave energy feasibility studies and has made initial contacts with a number of key stakeholders including state and federal resource agencies, marine sanctuaries, environmental groups, coastal/wave protection groups, commercial and recreational fishing groups, community groups and neighboring municipalities. The filing deadline established by virtue of this application being in competition with application P-13308 curtailed the Applicant's intended stakeholder outreach program. Nonetheless, a list of the agencies and groups with which the Applicant has conducted preliminary consultations, is attached as Appendix C. The Applicant anticipates working with these and other agencies to undertake a detailed inventory of the protected and restricted resources in the project area.

Environmental and Physical Site Studies

Through consultation with stakeholders and review of existing information, the Applicant will continue investigations of the wave energy, geophysical/coastal, and biological resources of the project area. The Applicant has initiated study of the wave energy resource through deployment of an

Acoustic Doppler Current Profiler wave meter which records both wave and current data. Using stakeholder outreach and technical studies, the Applicant will develop descriptions of the existing conditions and issues for use in the environmental assessment including aesthetics, marine habitat and species, commercial crab fishing, and recreational activities. The stakeholder outreach process has already influenced research criteria and the Applicant expects it will continue to do so.

The site's physical conditions, including types of bottom and sub-bottom sediments, large-scale movement of sediment in the area and the potential impact of removing wave energy from the ocean system, will also be investigated. These data are needed for WEC sea-bottom foundation design and the submarine cable installation. In addition, the data will be used to evaluate the effects on waves and the impacts on sediment transport near Ocean Beach. The San Francisco Department of Public Works, in conjunction with the U.S. Army Corps of Engineers, has implemented a sediment dredging and replenishment program designed to reduce erosion of Ocean Beach.

To the extent that any aspects of the project implicate the provisions of CEQA or NEPA and require specific actions or studies, the Applicant will address those requirements as part of the project.

Technology Selection

Information from device manufacturers and from other ongoing wave energy projects worldwide will be used to inform the design and development of the Oceanside Wave Energy Project and in the evaluation and selection of appropriate WEC devices. Selected WEC manufacturers will be provided with site-specific data including bottom and sub-bottom conditions, and wave and current distributions in order to develop projections of annual energy generation and project-specific capital and maintenance costs. The Applicant has already established a dialogue with a number of such technology parties.

Interconnect Design

Working with appropriate PG&E and CAISO staff, the Applicant will investigate transmission capacity, interconnection and other issues associated with transporting power to the grid.

Financial Analysis

The Applicant will conduct an economic and financial feasibility analysis for the proposed project. The analysis will include initial capital costs for WEC devices, submarine transmission cable or other conduit, grid interconnection, permitting and construction, and projected operations and maintenance costs. These costs will be modeled against predicted annual energy generation to develop estimates of the cost of electricity, annual rates of return, and cash flow.

Pilot Licensing and Permitting

As a part of outreach to regulatory and resource agencies, the Applicant has developed a detailed list of discretionary permits and notices that are required in addition to Commission licenses. Environmental documentation required under the NEPA and CEQA are included in the list. Information will include permit category, data requirements, and timelines. The list will be further refined during the feasibility stage.

Schedule

Year 1:

- Continue stakeholder outreach including formalizing stakeholder input/participation
- Continue wave resource studies
- Begin site-specific environmental (including marine species) and geophysical studies
- Continue WEC device evaluation
- Develop interconnection strategy
- Develop energy yield and financial analysis

Years 2 and 3:

- Finalize WEC technology selection and designs
- Perform technology testing
- Further environmental studies as appropriate and development of monitoring protocols
- Obtain discretionary permits
- Prepare and file Pilot Project License application

The Applicant acknowledges the Commission's Notice of Inquiry and Interim Statement of Policy regarding Preliminary Permits for Wave, Current, and Instream New Technology Hydropower Project dated February 15, 2007. The Applicant supports the interim policy and intends to comply fully with all requirements imposed by the Commission under the strict scrutiny approach. The Applicant is committed to progress under any preliminary permit and to report such progress to the Commission. The Applicant will also make all reports and study results available to the public.

2. Need for New Roads

The project will ultimately interconnect within the city of San Francisco. Neither the project nor the studies will require the construction of any new roads.

3. Dam Construction

The project will operate in the open ocean and will not require the construction of any type of dam.

EXHIBIT 3
STATEMENT OF COSTS AND FINANCING

1. Costs and Financing

The Applicant estimates that during the preliminary period, studies, investigations, tests, surveys, maps, plans, and other related specifications for the proposed project will cost between \$1,000,000 and \$3,000,000 and will be funded by the Applicant and project partners. More detailed costs and financing will be developed as outlined in the project schedule in Exhibit 2.

Source of Funding: San Francisco City & County departments, other agencies, external sources and partnerships.

Extent of Financing: Adequate.

2. Proposed Market and Purchasers

The Applicant expects to be the market for the power generated by the project.

EXHIBIT 4
PROJECT MAPS

1. Project Boundary Map

A map of the proposed project boundary and submarine transmission cable, or other conduit, route is shown in Figure 2. The relative location and physical interrelationships of principal project features will be developed during project feasibility studies.

2. National Wild and Scenic Rivers

The proposed project area does not include any areas designated as included or being considered for inclusion in the National Wild and Scenic Rivers System.

3. Wilderness Act

The proposed project area does not include any areas designated as or recommended for designation as a wilderness area or wilderness study area under the Wilderness Act.

**SECTION 4.32(a)
INFORMATION**

1. Proprietary rights in project property

The Applicant is the only entity that has, intends to obtain and/or will maintain any proprietary rights necessary to construct, operate, or maintain the proposed property as described in this application.

2. Municipal Information

- (i) No federal facilities would be used by the proposed project.

The area proposed for evaluation and testing is located within, or in the ocean water immediately adjacent to, the City and County of San Francisco and the County of San Mateo.

- (ii) (A) Cities or Towns Where Project Will be Located.

City and County of San Francisco

- (ii) (B) Cities or towns within 15 miles of the project dam.

No dam is proposed in associated with this wave energy project. Those cities and towns with a population of 5,000 or more that lie within 15 miles of the proposed evaluation and study area include:

City and County of San Francisco
City Hall, 1 Dr. Carlton B. Goodlett Pl, San Francisco, CA 94012

County of San Mateo
555 County Center, Redwood City, CA 94063-1665

City of Daly City
City Hall, 333 90th Street, Daly City, CA 94015

City of Pacifica
City Hall, 170 Santa Maria Avenue, Pacifica, CA 94044

City of Half Moon Bay
City Hall, 501 Main St, Half Moon Bay, CA 94019

City of South San Francisco
City Hall 400 Grand Avenue, South San Francisco, CA 94080

City of Sausalito
420 Litho St. Sausalito, CA 94965

City of San Bruno
567 El Camino Real San Bruno, CA 94066

City of Burlingame
501 Primrose Road, Burlingame, California 94010

City of Mill Valley
26 Corte Madera Ave. Mill Valley, CA 94941

City of Millbrae
621 Magnolia Avenue, Millbrae, CA 94030

Town of Hillsborough
1600 Floribunda Avenue, Hillsborough, CA 94010

(iii) Irrigation districts, drainage districts, and similar special purpose political subdivisions.

No federal facilities would be used by or otherwise associated with the proposed project, and no special purpose political subdivision exist within the proposed project boundary for the evaluation and testing of wave energy potential.

(iv) Other political subdivisions

No other known political subdivisions exist within the proposed project evaluation and study area; however, the Applicant will consult with all agencies and associations with regulatory authority over the waters and resources of the proposed project area during the evaluation of project feasibility.

(v) Indian tribes

No Indian tribes will be affected by the proposed project.

CERTIFICATE OF SERVICE

I, KIANA V. DAVIS, declare that:

I am a citizen of the United States, over the age of 18 years and not a party to the within entitled action. I am employed at the City Attorney's Office of San Francisco, City Hall, Room 234, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 (415) 554-4698.

On February 26, 2009, I served the following document(s):

APPLICATION FOR PRELIMINARY PERMIT

by electronic mail on the Service List for FERC Proceeding No. P-13308-000 except for the party listed below who was served by mail.

Ron Adhya, Director Federal Energy Regulatory Commission San Francisco Regional Office 901 Market Street, Suite 350 San Francisco, CA 94103	Barbara Hale Asst. General Man. for Power 1155 Market Street, 4th Floor San Francisco, CA 94103
Roger Thomas GOLDEN GATE FISHERMAN'S ASSOCIATION 50 Briarwood Drive San Rafael, CA 94901-1407	Michael Stewart Surfrider Foundation P.O. Box 320146 San Francisco, CA 94132-0146

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on February 26, 2009 at San Francisco, California.

Kiana V. Davis

KIANA V. DAVIS

CERTIFICATE OF SERVICE

I, KIANA V. DAVIS, declare that:

I am a citizen of the United States, over the age of 18 years and not a party to the within entitled action. I am employed at the City Attorney's Office of San Francisco, City Hall, Room 234, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 (415) 554-4698.

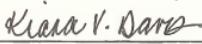
On February 26, 2009, I served the following document(s):

APPLICATION FOR PRELIMINARY PERMIT

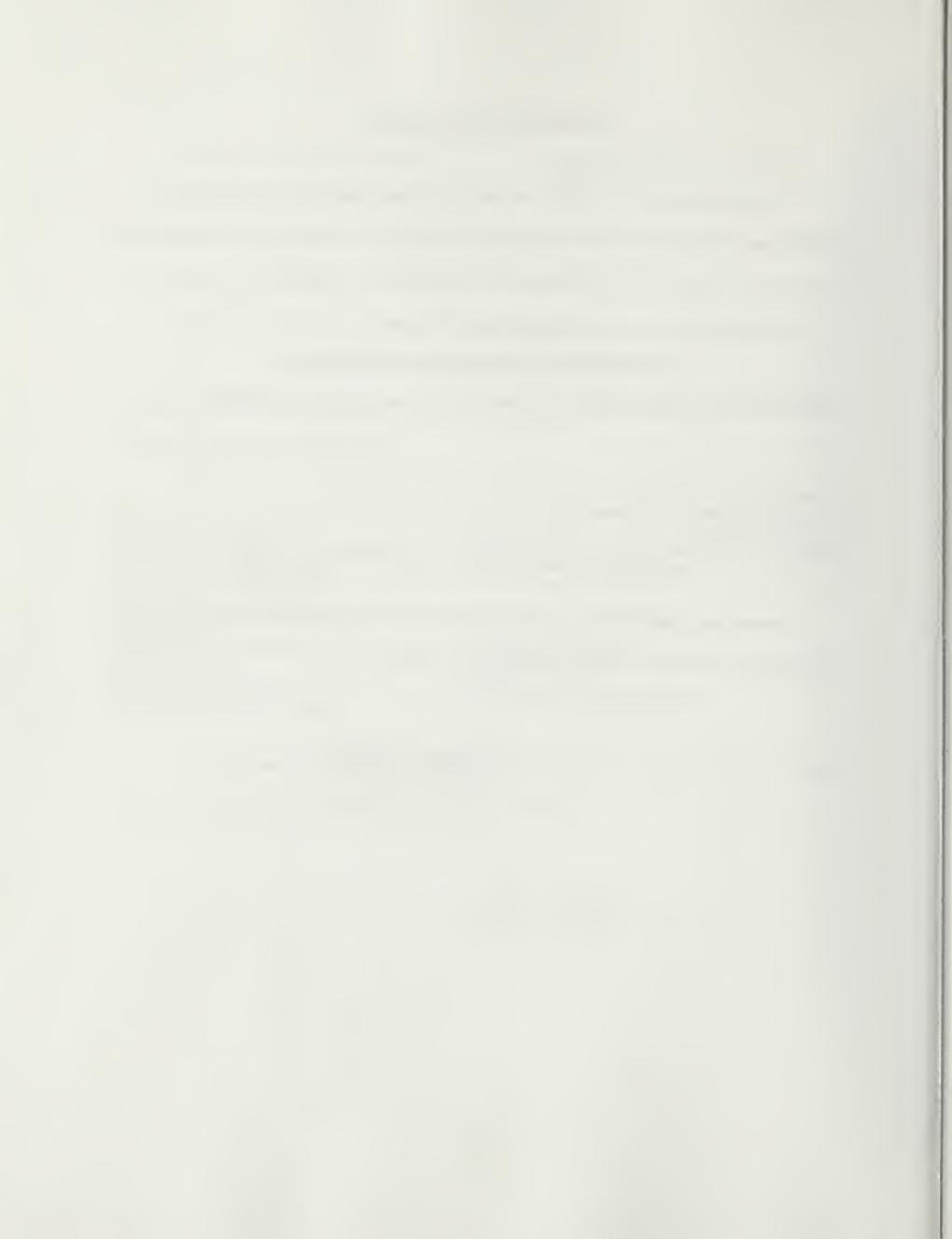
by registered mail on the party listed below only in FERC Proceeding No. P-13308-000.

W. Burton Hammer, President Grays Harbor Ocean Energy Company LLC 5534 30th Avenue NE Seattle, WASHINGTON 98105	
--	--

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on February 26, 2009 at San Francisco, California.



KIANA V. DAVIS



APPENDIX A

Appendix A
Extract from the California Constitution

CALIFORNIA CONSTITUTION
ARTICLE 11 LOCAL GOVERNMENT

SEC. 3. (a) For its own government, a county or city may adopt a charter by majority vote of its electors voting on the question. The charter is effective when filed with the Secretary of State. A charter may be amended, revised, or repealed in the same manner. A charter, amendment, revision, or repeal thereof shall be published in the official state statutes. County charters adopted pursuant to this section shall supersede any existing charter and all laws inconsistent therewith. The provisions of a charter are the law of the State and have the force and effect of legislative enactments.

(b) The governing body or charter commission of a county or city may propose a charter or revision. Amendment or repeal may be proposed by initiative or by the governing body.

(c) An election to determine whether to draft or revise a charter and elect a charter commission may be required by initiative or by the governing body.

(d) If provisions of 2 or more measures approved at the same election conflict, those of the measure receiving the highest affirmative vote shall prevail.

I, certify that the foregoing is a true copy extracted from the electronic record of the Constitution of the State of California.

/S/
Stephen A. S. Morrison
Deputy City Attorney

APPENDIX B

Appendix B

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Grays Harbor Ocean Energy Company
San Francisco Ocean Energy Project

Project No. P-13308-000

AFFIDAVIT OF D. IAN AUSTIN

I, D. Ian Austin, being first duly sworn, declare under oath as follows:

1. I am D. Ian Austin and I am Vice President and Manager of Marine Services for URS.

URS is a major US planning, engineering, environmental services corporation with public and private sector clients in the US and internationally. URS operates in several market areas through multiple divisions. The section I work in provides professional services to clients in, among other things, the areas of coastal engineering consultation, environmental planning, and management for projects involving coastal processes. URS has been retained by the City and County of San Francisco (CCSF) to assist in the development of a CCSF wave energy project and further, to assist in the development of CCSF's competing preliminary permit application in the above captioned proceeding. I am submitting this affidavit on behalf of CCSF to support that application.

2. I hold a Bachelor of Science in Civil Engineering, a Masters in Fluid Dynamics and a Doctor of Philosophy in Numerical Fluid Dynamics from the University of Wales, U.K., obtained in 1975, 1977 and 1981, respectively. I am a Registered Professional Engineer in the State of California. I have been employed by URS for 30 years.

Appendix B

3. CCSF has commissioned URS to undertake various tasks in developing a CCSF wave energy project including studies to assess the specific characteristics and wave energy conversion potential of the waves off the San Francisco coast. These studies include the study of wave and weather patterns and seabed depth and configuration analysis. Previously URS was retained to study tidal flows in San Francisco Bay through the Golden Gate to assess their feasibility and viability as a source of clean, sustainable energy. I was responsible for those assignments and worked directly on various tasks.

4. Aspects of the results of those studies, and of other data and information, are reflected in the competing preliminary permit application of CCSF. I assisted in preparing the CCSF competing preliminary permit application. I am familiar with its details and the background work undertaken to prepare the application. Specifically, I am familiar with the location of the CCSF proposed study project and the data on the nature and quality of the wave energy that is the focus of the CCSF proposal.

5. In addition, I have reviewed the Grays Harbor preliminary permit application for a San Francisco Ocean Energy Project located approximately 20 miles west to west by northwest (WNW) of San Francisco in the Gulf of Farallones National Marine Sanctuary, specifically examining the details of the location of the proposed study and eventual project area, as well as the technology proposed in that application. I am aware that the proposed location of the Grays Harbor project and the proposed location of the CCSF project do not directly overlap. However, in my opinion the Grays Harbor proposal, were it to be approved and built, would directly impact the effectiveness of the CCSF project. Specifically, the Grays Harbor project would impact the nature, quality and direction of the waves that are the object of the proposed CCSF project. The Grays Harbor site area is west to WNW of the CCSF site. Evidence that the Grays Harbor proposal

Appendix B

would be located in the same wave regime as the CCSF project is provided by the spectral wave and wind data collected by the Coastal Data Information Program (CDIP) maintained by the Scripps Institution of Oceanography, La Jolla, California and by wave data from the National Buoy Data Center maintained by NOAA. CDIP has maintained wave station 029 at a site west of Point Reyes from December 1986 to the present. CDIP station 029, which records wave height, period, and direction, is located WNW from the CCSF site. Wave roses (i.e. the distribution of wave heights and directions over a long time period) prepared using the station 029 data show that the predominant wave direction at that site ranges from the WNW to NW. The CCSF site is therefore in the same wave field as that which passes through the Grays Harbor site. In other words, both projects would use the energy from the same waves in the same body of water. I base this statement on the foregoing information and the data compiled by me for URS on behalf of CCSF.

6. Given the current state of technology, any wave energy conversion project will be limited to seeking conversion of only a small percentage of the hydrokinetic energy of the waves in a given area. Therefore even if the Gray's Harbor project only caused a marginal reduction in the wave energy reaching the CCSF project, the feasibility of the CCSF project could be impacted significantly by the Grays Harbor project.

7. Moreover, I am aware that the statutory rules restrict preliminary permit applications to those that do not "develop, conserve, and utilize, in whole or in part, the same water resources that would be developed, conserved, and utilized" by another preliminary permit.

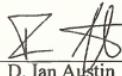
8. If the Grays Harbor project has any impact on the nature and quality of the wave patterns of the CCSF project, then the two projects would compete, at least in part, for the same water resources.

Appendix B

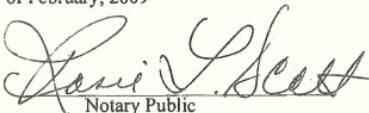
9. In my professional opinion, the impact of the Grays Harbor proposal upon the proposed study and project area of the CCSF project means that Grays Harbor directly competes with the CCSF proposal, notwithstanding that the proposed project boundaries do not overlap.

This concludes my affidavit.

D. Ian Austin, being first duly sworn, deposes and says that he has read the foregoing "Affidavit of D. Ian Austin" that he is familiar with the contents thereof and the matters and things set forth therein are true and correct to the best of his knowledge or belief.

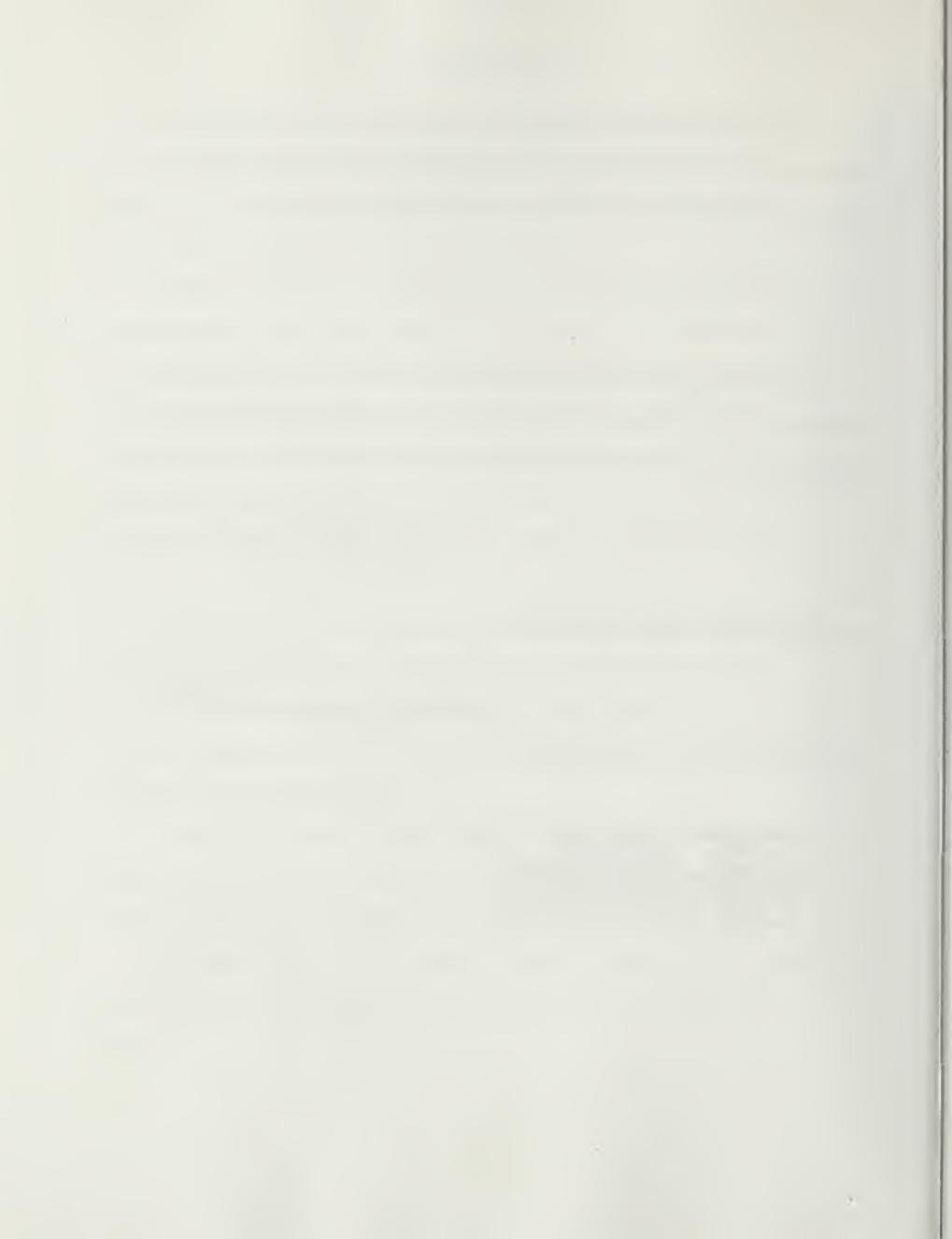

D. Ian Austin

Subscribed and sworn to before me this 24 day of February, 2009


Rosie L. Scott
Notary Public

My Commission Expires 12-17-2010





APPENDIX C

Appendix C
San Francisco Competing Preliminary Permit Application and project
Agencies and Groups Consulted to Date

U.S. Department of Commerce
National Atmospheric and Oceanographic Administration
National Marine Fisheries Service
National Marine Sanctuaries
Gulf of the Farallones National Marine Sanctuary

U.S. Department of Interior
Minerals Management Service
Fish & Wildlife Service
National Park Service
Golden Gate National Recreation Area

U.S. Coast Guard

California Coastal Commission
California Department of Fish & Game
California Energy Commission

State Coastal Conservancy
State Lands Commission

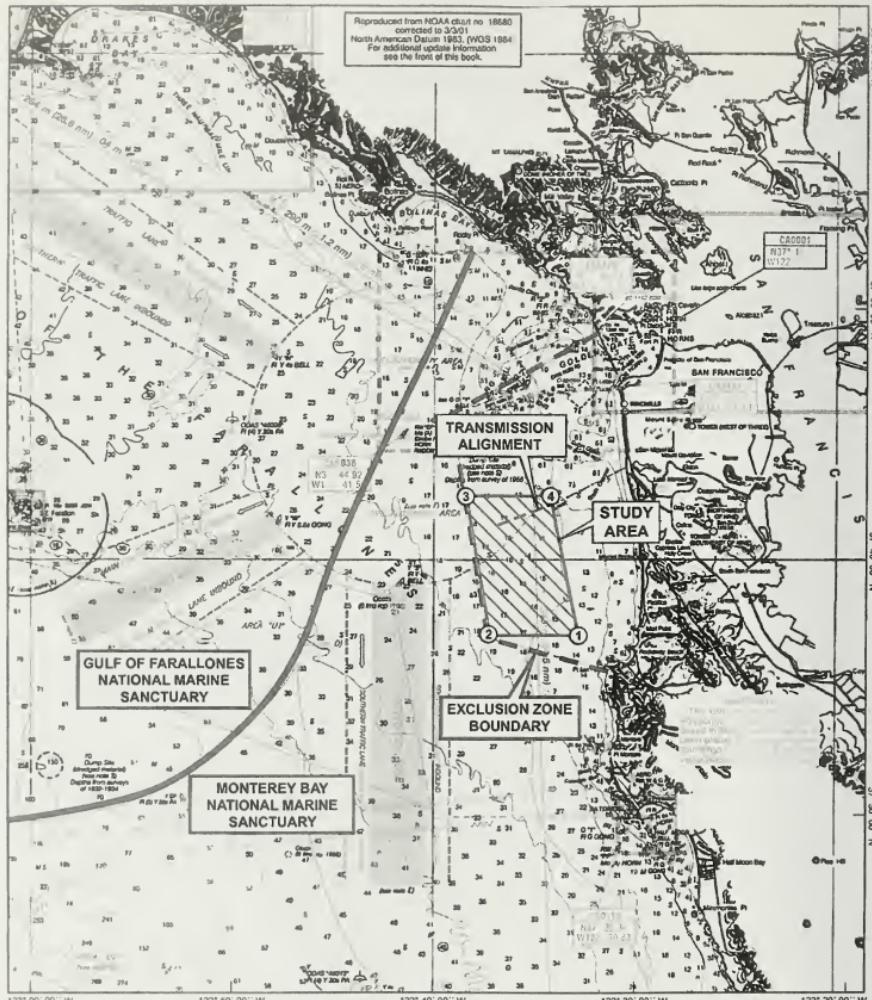
Marin County Community Development Agency
City of Pacifica

Environmental Action Committee of West Marin
Farallones Marine Sanctuary Association
Natural Resources Defense Council
Ocean Conservancy
Save the Waves Coalition
Sierra Club
Surfrider Foundation

Golden Gate Fishermen's Association
Pacific Coast Federation of Fishermen's Association
Recreational Fishing Alliance

San Francisco Ocean Beach Vision Council

FIGURE 1



Source:

NOAA, 2001, Chart Number 1210PG02



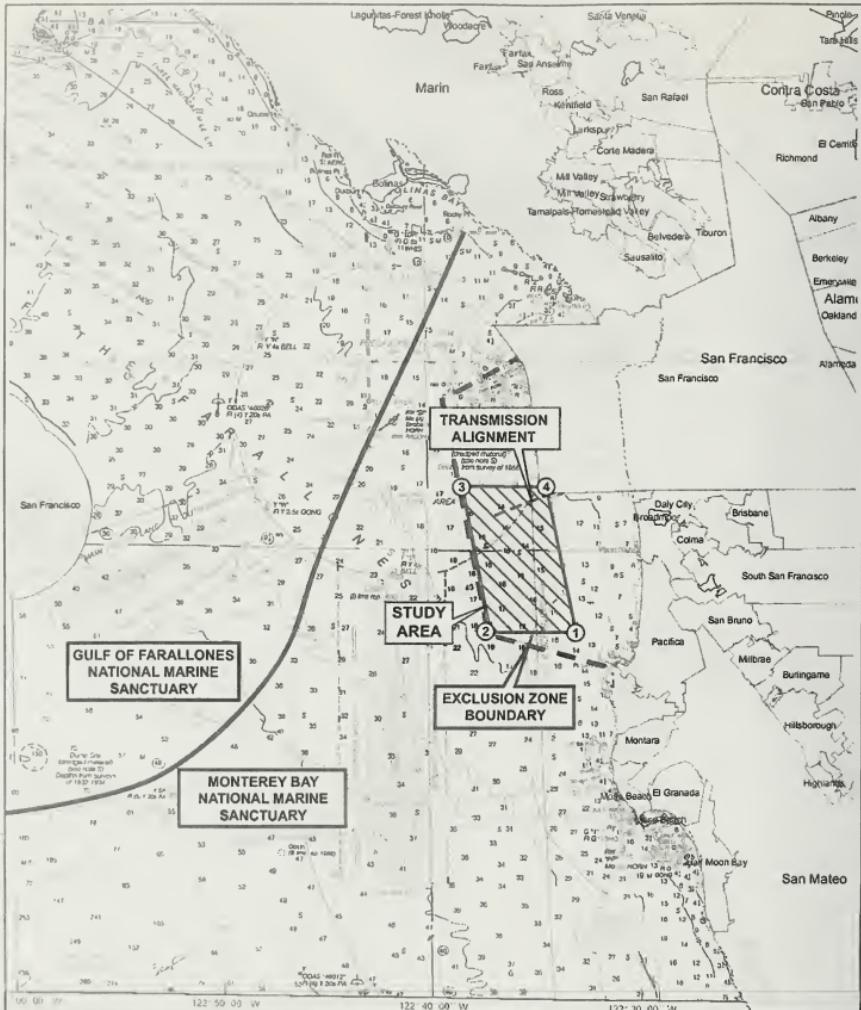
2/09 usah.. T/SFPU Wave EnergyFig 1_proj loc.ai

PROJECT LOCATION
Oceanside Wave Energy Project
SFPU
San Francisco, California

URS

FIGURE 1

FIGURE 2



JURISDICTIONAL BOUNDARIES
Oceanside Wave Energy Project
SFPUUC
February 2009
28067524
San Francisco, California

URS

FIGURE 2



GRANT INVOICE REVIEW & APPROVAL FORM

Grantee: _____

Date Received: _____

Invoice Period(s): _____

Grant Manager: _____

(Print)

PROGRAM RECORDS REVIEW:

- Submitted for Payment – All Program / Project Records Current
 - Quarterly/Final Reports Received & Approved
 - Invoice: Charges Consistent with Program/Project Goals & Budget

<input type="checkbox"/> Invoice withheld until:	Corrective Action(s):	Date Completed / Staff Initials
<input type="checkbox"/> Quarterly/Final Report Submitted & Approved		
<input type="checkbox"/> Other:		
<input type="checkbox"/> Other:		

Grant Manager Signature

Date of Review

ADMINISTRATION APPROVAL

Invoice Review Items	Item(s) Incomplete	Corrective Action(s):	Date Completed / Admin. Initials
<input type="checkbox"/> Insurance Current	<input type="checkbox"/>		
<input type="checkbox"/> Within Budget	<input type="checkbox"/>		
<input type="checkbox"/> Supporting Documents: Complete & Accurate	<input type="checkbox"/>		
<input type="checkbox"/> Calculations: Correct	<input type="checkbox"/>		
<input type="checkbox"/> Compliant with SFE Advance Policy	<input type="checkbox"/>		

Name (Print)

Admin/Accounting Staff Signature

Date Approved





Rules and Regulations Commuter Benefits Ordinance 0199-08, SF Environment Code Section 421

San Francisco's Commuter Benefits Ordinance No. 0199-08, SF Environment Code Section 421, requires all registered businesses in San Francisco that have 20 or more employees who work an average of at least 10 hours a week within the previous calendar month to offer one of the following options:

1. A pre-tax deduction program to pay for transit or vanpool expenses under existing Federal Tax Law 132(f).
2. An employer paid monthly subsidy for transit or vanpool expenses equivalent to the value of a San Francisco MUNI Fast Pass.
3. Free shuttle service on a company-funded bus or van between home and place of business.

Violation of the Ordinance may result in administrative penalties or other civil enforcement action.

Under the Ordinance, the San Francisco Department of the Environment (hereinafter "SF DOE") is responsible for promulgating rules, regulations and forms implementing the Ordinance, and for enforcing compliance by San Francisco employers.

SF DOE staff has the authority to conduct investigation and monitoring and to seek, for violations of this Ordinance, all of the penalties imposed by this Ordinance in order to further its purposes.

SF DOE staff and other City employees and agents or designees authorized to assist in the administration and enforcement of the requirements of this Ordinance shall have the right to engage in random inspections of employment sites; to have access to workers and other witnesses; and to conduct audits of employer records as reasonably deemed necessary to determine compliance with this Ordinance, including, but not limited to, employee time sheets, payroll records, and employee paychecks.

SF DOE staff may issue written warnings to non-compliant employers, issue and enforce administrative citations, provide for administrative review, and refer violations to other enforcement agencies. Where prompt compliance is not forthcoming, SF DOE staff may take any appropriate enforcement action to secure compliance, including initiating a civil action, and/or, except where prohibited by state or federal law, requesting that City agencies or departments revoke or suspend any registration certificates, permits, or licenses held or requested by the employer or person until such time as the violation is remedied.

I. Enforcement.

A. Warning Letters to Non-Complying Businesses.

1. Issuance of Warning. SF DOE staff may issue a written warning letter wherever it is determined that a San Francisco employer has violated or is violating the Ordinance. The Warning shall be served as provided in Rule IV.
2. Contents of Warning. A Warning shall include the following information:(1) a description of the violation(s) including a reference to each provision of Ordinance violated, the corrective action required for compliance, and the various sanctions that may follow from continued non-compliance; (2) the address or a description of the location(s) where the violation occurred; (3) the date(s) of the violation; (4) the name, address and signature of the SF DOE Director, or his or her designee; and (5) how to appeal the Warning (as provided in Rule II).

B. Imposition of Sanctions or Referral.

Whenever SF DOE staff determine that a San Francisco employer that has received a Warning(s) has violated the Ordinance either by continuing the violation(s) for which the Warning was issued, or by other non-compliance, the SF DOE Director, or his or her designee, may, in his or her sole

discretion, issue additional Warnings and otherwise continue informal efforts to obtain compliance; or may issue an Administrative Citation imposing the penalties and enforcement costs as provided by the Ordinance; or may refer the matter to the District Attorney or City Attorney. An Administrative Citation shall be served as provided in Rule IV.

C. Imposing Penalty by Administrative Citation.

1. **Issuance of Administrative Citation.** Whenever SF DOE staff determine that the circumstances warrant imposition of administrative penalties under the Ordinance, the SF DOE Director shall issue an Administrative Citation imposing administrative penalties as specified in the Ordinance, which may be up to \$500 (**confirm with Cathy**), depending upon the circumstances and enforcement costs.
2. **Contents of Administrative Citation.** An Administrative Citation shall include the following information: (1) a description of the violation(s) including a reference to each provision of Ordinance violated and the amount of the administrative penalty imposed for the violation(s); (2) the amount of any enforcement costs assessed; (3) the address or a description of the location where the violation occurred; (4) the date(s) of the violation; (5) the date by which the administrative penalty and any must be paid, the procedure for making such payment (**what are the procedures for making payments?**), and the consequences of failure to pay; (6) the name and signature of the SF DOE Director or his or her designee; and (7) how to appeal the Administrative Citation (as provided in Rule II).
3. **Payment of Penalties.** If the cited party does not file an appeal within the 10-day period provided in Rule II, SF DOE staff determination should become final. The cited party must pay all administrative penalty amounts no later than 90 days after service of the Administrative Citation, unless the cited party appeals the Administrative Citation as provided in Rule II. Overdue administrative penalties shall be subject to the collection procedures set forth in Rule III.

II. **Appeal Process for Warning or Administrative Citation.**

A. Requesting Administrative Hearing to Appeal Warning or Penalty.

1. **Ten Days to Make Written Request.** Any person or entity that is cited in a Warning or Administrative Citation may appeal the Warning or Administrative Citation on the grounds that there was no violation of the Ordinance for which the Warning or Administrative Citation was issued, or that the person or entity cited is not the responsible party. Such person (hereinafter "appellant") must appeal in writing, preferably on the form provided by SF DOE staff, and serve the written appeal (as provided in Rule IV) on SF DOE staff within 10 calendar days of the date SF DOE staff served the Warning or Administrative Citation for which review is sought. At a minimum, such appeal shall include a copy of the Warning or Administrative Citation being appealed and a brief statement of the reason(s) for the appeal.
2. **Request for Appeal Stays Enforcement.** A timely appeal shall stay enforcement of any Administrative Penalties and enforcement costs imposed pending the hearing officer's final decision, but shall not stay enforcement of any new or different violations of the Ordinance.
3. **Appointment of Hearing Officer.** SF DOE staff shall appoint a hearing officer and schedule a hearing (**how do we appoint a hearing officer?**) within 15 calendar days of receipt of a timely appeal. SF DOE staff shall promptly notify the appellant of the time and date of said hearing, and shall include with the notice a copy of the Ordinance and these Rules.

B. Hearing and Decision on Appeal.

1. Duties of the Hearing Officer. The hearing officer appointed by SF DOE staff shall conduct all appeal hearings and shall be responsible for deciding all matters relating to the hearing procedures not otherwise specified in these Rules.
2. Conduct of the Hearing, Evidence.
 - a. Public Hearing. The appeal hearing is a public hearing and shall be audio recorded. Any party to the hearing may cause, at his or her own expense, the hearing to be recorded by a certified court reporter, but this will not be the official record of the proceeding unless the Hearing Officer agrees and a copy of the transcript is provided at no cost to the Hearing Officer and the opposing party.
 - b. Burden of Proof. The appellant shall have the burden of proving that the basis for the Warning or Administrative Citation is incorrect.
 - c. Exchange of Documentary Evidence. Any written information in addition to that submitted with the Request for Administrative Hearing that either SF DOE staff or appellant submits to the Hearing Officer for consideration at the hearing, shall also be served on the other party at least 5 days prior to the date of the hearing.
 - c. Admissible Evidence. The hearing officer may accept and rely on evidence that responsible persons commonly rely upon in the conduct of serious affairs. All parties shall have the right to offer testimonial, documentary, and tangible evidence bearing on the issues, to see and copy all documents and other information the City relies on in the proceeding, and to confront and cross-examine any witness against them.
 - d. Continuances. When all evidence has been presented, the hearing officer may, in his or her sole discretion, continue the hearing and request additional information from the appellant and/or SF DOE staff. The Hearing Officer may also continue the hearing at any time, for good cause shown as determined in the discretion of the Hearing Officer.
3. Written Decision by Hearing Officer. After considering all of the testimony and evidence submitted by the parties, the hearing officer shall issue a written decision to uphold or vacate the Warning or Administrative Citation and shall set forth the reasons for the Decision. The hearing officer shall issue his or her written Decision within 10 calendar days of the completed hearing. The hearing officer shall serve a copy of the Decision on the appellant. The hearing officer's decision shall be final.
4. Judicial Review. Any person aggrieved by the hearing officer's Decision on a Warning or Administrative Citation may obtain review of the decision by filing a petition for judicial review within 20 days after service (as provided in Rule IV) in accordance with the timelines and provisions set forth in California Government Code Section 53069.4.

III. Collection of Fines and Costs

If no appeal of the hearing officer's decision is filed as provided in Rule II.B.4, and if required administrative penalties (and enforcement costs) are not paid in full to SF DOE within 90 days after the mailing of the hearing officer's decision, SF DOE staff shall file a statement of each unpaid administrative penalty (and enforcement cost) with the Bureau of Delinquent Revenue. The Bureau shall endeavor diligently to collect the same on behalf of the City and County.

A. The failure of any employer to pay a penalty within the time specified on the Administrative Citation constitutes a debt to the City.

B. The City Attorney may bring a civil action or pursue any other legal remedy to recover civil penalties for the violations of this Ordinance, and to recover the City's enforcement costs, including attorneys' fees.

C. The City may create and impose liens against any property owned or operated by an employer who fails to pay a penalty assessed by the Administrative Citation. The procedures provided for in Article XX of Chapter 10 of the San Francisco Administrative Code shall govern the imposition and collection of such liens.

IV. Service

A. Any document required by these Rules to be served shall be accomplished by deposit in the United States mail, in a sealed envelope postage prepaid, as follows:

- If to SF DOE staff or the Hearing Officer, handed or addressed to the appropriate Official at the address stated on the Warning or Administrative Citation;
- If to a San Francisco employer, to the person or persons named on the employer's most current business registration certificate (business license) on file with the City's Treasurer/Tax Collector at the address stated on such business license.

B. Service by mail shall be deemed to have been completed at the time of deposit with the U.S. Post Office.

VI. Administrative Complaint Procedure

(do they need to file a formal complaint or can we take anonymous complaints?)

SF DOE staff shall have sole authority over the administration of the following complaint procedure. This procedure shall include, but need not be limited to, the following:

A. Any person may file a complaint alleging one or more violations of this Ordinance;

B. Before beginning to investigate the complaint, SF DOE staff shall determine if the allegations of the complaint are sufficient and, based on that assessment, shall determine either to dismiss it or to proceed with an investigation;

C. If SF DOE staff determine at any time that the allegations contained in the complaint are without merit, SF DOE staff shall notify the complainant; and

D. If SF DOE staff find that any allegations in the complaint have merit, SF DOE staff shall investigate the matter.

This complaint procedure shall not preclude SF DOE staff from initiating or proceeding with an investigation on his or her own authority.

VII. Interpretive Regulations and Guidelines

SF DOE adopts the following regulations and guidelines under the Ordinance, which authorizes the Director of the Department of the Environment to "promulgate rules and regulations to implement the Transportation Benefits Program."

Rule 1. Covered employers shall provide information to the City regarding transportation benefits offered on an annual basis. Such information shall be provided on the Commuter Benefits Annual

Compliance Form. Additional copies of the Commuter Benefits Annual Compliance Form may be obtained from the SF Department of the Environment.



David Assmann
Acting Director
San Francisco Department of the Environment



May 20, 2009

Dear (business name),

Thank you for submitting the Commuter Benefits Ordinance Annual Compliance Form. Enclosed you will find a Compliance Certificate, which must be posted at your worksite(s) visible to all employees. This Certificate is valid through June 30, 2010.

The San Francisco Department of the Environment also offers a suite of free commuter programs for local businesses. A list of our services is available on the back of this page.

We appreciate all your efforts to support smart commuting options! Feel free to contact us with further questions/concerns.

Sincerely,
San Francisco Department of the Environment
Clean Air & Transportation Program
<http://www.commuterbenefits.org>
commuterbenefits@sfgov.org
(415) 355-3727

San Francisco Business Commuting Options

Ready to get out of traffic? Tired of rising gas prices? Want to help maintain clean air in the environment?

The City and County of San Francisco's Department of the Environment is proud to offer a variety of commuter programs for local businesses. Our goal is to reduce traffic congestion and improve air quality.

Service	Description
Bicycling	<p>Set up a bicycle fleet for your employees. We can assist in organizing a shared bicycle fleet for employees to use while on the job. A bicycle fleet can include u-locks, helmets, and secured parking.</p> <p>Encourage your employees to bicycle to work. Give the gift of a <u>Bicycle Coalition</u> membership to your employees. With a membership employees can have discounts on bicycling accessories, an Urban Bicyclist Survival Kit, and many other great services.</p> <p>For more bicycle-friendly ideas, check out the <u>SF Bicycle Coalition website</u>.</p>
Commuter Benefits	<p>The Federal Government allows employees to make pre-tax deductions up to \$230 per month from their paychecks to pay for their transit costs (Muni, BART, etc). Starting January 19, 2009 San Francisco employers are required to offer a commuter benefits program. For a list of third party administrators, self-administration guidance, and ordinance information, please visit www.comuterbenefits.org.</p>
Ridesharing	<p>Free carpool/vanpool assistance for your employees We can assist employees to set up a carpool/vanpool. Carpoolers/vanpoolers can skip bridge toll, zip through traffic in the carpool lane, and share gas/parking expenses. Vanpoolers can get discounted \$74/year parking in SF and use the Commuter Benefits Program to pay for expenses pre-tax.</p> <p>In addition, we can list your business on the drop down menu of SF employers on www.sfenvironment.org/ridesharematch so that your employees have the option of searching for a ride within your business or with the general public.</p>
Emergency Ride Home	<p>Employees working in San Francisco, who get to work by bus, train, ferry, vanpool, carpool, bicycling, or walking can take a taxi, rental car or other form of transportation home in cases of unexpected emergency and the City will reimburse them for the ride. Please visit http://www.sferh.org for more information.</p>
Car Sharing	<p>Discounted Business Memberships with City CarShare, Enterprise, and Zip Car. With a membership your employees can use car share to run work related errands instead of a company car or their personal car.</p>

Free Outreach & Technical Services:

We can help you evaluate what commuting options work best for your employees by conducting a travel survey in order to make a comprehensive Density Map of your employee's commutes and brainstorm proactive commuter programs. In addition, we are available to help with employee outreach by presenting at staff meetings and tabling at work events.

Contact us at (415) 355-3727 or commuterbenefits@sfgov.org for more information.



For more information please visit SFEnvironment.org or call (415) 355-3700.

SF Environment is a department of the City and County of San Francisco.



Employer Compliance Procedures Commuter Benefits Ordinance 199-08, SF Environment Code Section 421

San Francisco's Commuter Benefits Ordinance 199-08, SF Environment Code Section 421, requires all registered businesses in San Francisco that have 20 or more employees who work an average of at least 10 hours a week within the previous calendar month to offer one of the following options:

1. A pre-tax deduction program to pay for transit or vanpool expenses under existing Federal Tax Law 132(f).
2. Employer paid monthly subsidy for transit or vanpool expenses equivalent to the value of a San Francisco MUNI Fast Pass.
3. Free shuttle service on a company-funded bus or van between home and place of business.

Under the Ordinance, San Francisco Department of the Environment (SF DOE) is responsible for promulgating rules, regulations and forms implementing the Ordinance, and for enforcing compliance by San Francisco employers. For more information on the Ordinance, visit www.commuterbenefits.org, call (415) 355-3727, or email commuterbenefits@sfgov.org.

Compliance Instructions:

An Ordinance Compliance Form can be found on the reverse of these instructions. Please mail completed Compliance Form by June 30, 2009 to:

"The Commuter Benefits Ordinance"
11 Grove Street
San Francisco, CA 94102

SF DOE staff will issue Certificates of Compliance upon receiving Compliance Forms. Certificates should be posted at the worksite in an area visible to employees.

Who is required to fill out the Annual Compliance Form?

All San Francisco businesses should submit an Annual Compliance Form, whether or not they need to comply with the Ordinance. Businesses not covered by the Ordinance can fill out the exemption portion of the form.

What defines a San Francisco business?

Pursuant to the SF Business & Tax Regulations Code, any individual or entity engaging in business in San Francisco must obtain a business registration certificate from the Office of the Treasurer & Tax Collector. For questions about business registration obligations, contact Taxpayer Assistance at (415) 554-4400 or visit www.sfgov.org/tax, click on the "Download Business Forms" link in the Business Zone section, and download the document titled "Understanding Business Registration PDF."

How many forms should be submitted for a "controlled group of corporations"?

Only one Annual Compliance Form should be filed for all entities within the same "controlled group of corporations" (as defined for purposes of income tax filing). If you are filing this form on behalf of several entities in the same "control group", specify all entity names in the "notes" section. All members of a "controlled group of corporations" are considered one employer under the Ordinance, and all employees of each entity must be counted to determine the size of the employer.

Where and when is this form due?

To avoid penalties, businesses must return a completed Annual Compliance Form to "The Commuter Benefits Ordinance", 11 Grove Street, San Francisco, CA 94102 by June 30, 2009.



**The City & County of San Francisco
Commuter Benefits Ordinance 199-08
Employer Compliance Form**

Please submit a completed form by June 30, 2009 to:

"The Commuter Benefits Ordinance", 11 Grove Street, San Francisco, CA 94102

Employer Information

Employer Name:

Contact Name:

Contact Email:

Contact #:

Employer Address:

Zip Code:

Program Information

Check this box if your business is exempt and justify in the "notes" section.

What type of benefit is being offered?

- Pre-tax Transit
- Employer-paid Subsidy
- Shuttle

How long have you had a program in place?

How are you administering the benefit?

- Third Party Company
- In-house

If using a Third Party Company, please specify the company name:

How are employees receiving their benefit?

- Transit Vouchers
- Transit Passes
- Reimbursements
- Shuttle Service

Total # of employees who are eligible for the benefit:

Total # of employees participating in the program:

Notes:

Upon receiving completed forms, Department of the Environment staff will mail a Certification of Compliance to the contact and address listed above. The Certificate must be posted at the worksite in an area visible to employees.

By signing this verification, I certify that the Employer listed above is:

- In compliance with the San Francisco Commuter Benefits Ordinance 199-08
-OR-
- Exempt from the San Francisco Commuter Benefits Ordinance 199-08.

In addition to English, I would like employee materials in: Spanish Chinese

Signed by:

Date:

Signature:

For more information on the Commuter Benefits Ordinance, please visit www.commuterbenefits.org or contact the San Francisco Department of the Environment at (415) 355-3727 or commuterbenefits@sfgov.org.

(business name)

is in compliance with the

San Francisco Commuter Benefits Ordinance (No. 199-08)

as of May 20, 2009.

Effective January 19, 2009, the San Francisco Commuter Benefits Ordinance requires all San Francisco employers with 20 or more employees who work an average of at least 10 hours in the previous calendar month provide one of the following benefits to their employees:

(1) A pre-tax deduction program to pay for transit or vanpool expenses under existing Federal Tax Law 132(f).

(2) Employer paid monthly subsidy for transit or vanpool expenses equivalent to the value of a San Francisco MUNI Fast Pass.

(3) Free shuttle service on a company-funded bus or van between home and place of business.

(business name)

offers

(option name)

David Asmann

David Asmann, Acting Director
Department of the Environment





The City & County of San Francisco
Commuter Benefits Ordinance 0199-08
Employee Complaint Form

Please submit a completed form to:
"The Commuter Benefits Ordinance", 11 Grove Street, San Francisco, CA 94102

Employee Information

Employee Name:	Date:
Contact Email:	Contact #:

Employer Information

Employer Name:	
Contact Name:	
Contact Email:	Contact #:

1. When did you begin work for this employer? Include your start date.
2. Have you worked an average of 10 hours/week in the previous calendar month?
 Yes.
 No.
3. Are you still employed by this employer?
 Yes.
 No. When was your last day of work? _____
4. Does your employer provide one of the following transportation benefits?
 - a. Pre-tax deduction program to pay for transit or vanpool expenses under existing Federal Tax Law 132(f).
 - b. Employer paid monthly subsidy for transit or vanpool expenses equivalent to the value of a San Francisco MUNI Fast Pass.
 - c. Free shuttle service on a company-funded bus or van between home and place of business.
 Yes. Which transportation benefit? _____
 No.
5. Do you have anything else to add? Continue on back as needed.

I declare under penalty of perjury that the above statement is true and correct to the best of my knowledge.	
Signed by:	Date:
Signature:	





Commuter Benefits Ordinance 0199-08 Notice of Warning

Warning No:	000-09
Date of Notice:	
Due Date:	

Issued to:

Business Name:

Location of Violation:

Mailing Address:

By the service of this Notice of Warning, you are hereby notified that you are in violation of City Ordinance 0199-08 (Commuter Benefits Ordinance) for the violation(s) noted below:

Violation Description	Audit Date(s)

You must come into compliance by offering one of the following options:

- (1) A pre-tax deduction program to pay for transit or vanpool expenses under existing Federal Tax Law 132(f).
- (2) An employer paid monthly subsidy for transit or vanpool expenses equivalent to the value of a San Francisco MUNI Fast Pass.
- (3) Free shuttle service on a company-funded bus or van between home and place of business.

Or, request an appeal hearing by the due date indicated above. Failure to come into compliance or request an appeal shall be deemed as an admission that the cited party or entity committed the violation identified in the Notice of Warning and may result in the issuance of an Administrative Citation, imposing penalties and enforcement costs, or may be referred to the District Attorney, or the City Attorney.

To request an appeal hearing or an audit for verification that you have come into compliance, please complete, sign, and return the attached Notice of Appeal to "The Commuter Benefits Ordinance", 11 Grove Street, San Francisco, CA 94102. For further information, please visit commuterbenefits.org, call (415) 355-3727, or email commuterbenefits@sfgov.org.

A handwritten signature in black ink that reads "David Assmann".

Issued by _____
David Assmann, Acting Director
Department of the Environment
11 Grove Street
San Francisco, CA 94102





Commuter Benefits Ordinance 0199-08
Administrative Citation

Citation No:	
Citation Date:	
Appeal/Payment Due Date:	

Issued to:

Business Name:

Location of Violation:

Mailing Address:

Violation Description	Audit Date(s)	
	New Fine Due	Enforcement Cost Assessed

You must either pay both the fine and the enforcement costs assessed above or request an appeal hearing by the due date indicated above. Failure to pay the fine or request a hearing shall be deemed as an admission that the cited party or entity committed the violation identified on the Administrative Citation. Continued violation of this ordinance may result in further fines.

To request an appeal hearing, or to request an audit for verification that you have come into compliance, please complete, sign, and return the attached Request for Audit /Notice of Appeal.

To pay the fine, make your check or money order payable to the City and County of San Francisco, and send to the San Francisco Department of the Environment together with the stub below. Please write the citation number on your check or money order.

For additional information, please visit www.commuterbenefits.org or call (415) 355-3727.

Accounts not paid in full within 90 days will be transferred to the Bureau of Delinquent Revenue for enforced collection, and interests, costs and fees will be charged.

Issued by _____ (for) _____
(SF DOE staff name)
Department of the Environment
David Assmann
Acting Director
Department of the Environment
11 Grove Street
San Francisco, CA 94102

Please cut at perforation and send bottom stub with your payment

Commuter Benefits Ordinance 0199-08
Department of the Environment
11 Grove Street
San Francisco, CA 94102

Business Name	Citation Number	Payment Due Date
Contact Name (Owner Name)	Mailing Address	New Fine Due Enforcement
Or authorized agent:	If different from above, write below:	Total Amount Due (includes previously issued Citations)
		Total Amount Paid





**Commuter Benefits Ordinance 0199-08
Request for Audit or Appeal of Notice of Citation**

Date: _____

Please check applicable section.

- (Business Name)** is now in compliance with Ordinance 0199-08, SF Environment Code 421, and offers one of the following options (please check one):
- A pre-tax deduction program to pay for transit or vanpool expenses under existing Federal Tax Law 132(f).
 - An employer paid monthly subsidy for transit or vanpool expenses equivalent to the value of a San Francisco MUNI Fast Pass.
 - Free shuttle service on a company-funded bus or van between home and place of business.
- (Business Name)** is in the process of becoming compliant with Ordinance 0199-08 by **(Date)**. I request an audit for verification.
- This is an appeal of Citation No **(Citation Number)**, dated **(Citation Date)**. *(Please note that a hearing before a Hearing Officer will be scheduled on this matter which you are required to attend. You will be notified by letter of the date, time, and location of this hearing.)*

Comments:

Appellant contact Information

Name: (Owner Name) _____
or authorized agent (Print Name) _____

Business Name: (Business Name)
Mailing Address: (Mailing Address)

Mailing Address if different than above:

(Street Address, City, State, Zip) _____

Day Time Phone Number: _____

Signature _____ Title _____

Please complete, sign, and return this appeal form via U.S. mail. This document must be received by (Date), the due date on your Administrative Citation.



CITY AND COUNTY OF SAN FRANCISCO
COMMISSION ON THE ENVIRONMENT

GOVERNMENT
DOCUMENTS DEPT

REGULAR MEETING
DRAFT MINUTES

JUN 19 2009

TUESDAY, MAY 26, 2009, 5:00 P.M.
CITY HALL, ROOM 416, SAN FRANCISCO, CA 94102

SAN FRANCISCO
PUBLIC LIBRARY

COMMISSION MEMBERS: Commissioners Paul Pelosi Jr. (President), Ruth Gravanis (Vice-President), Angelo King, Jane Marie Francis Martin, Alan Mok, Matt Tuchow, Johanna Wald

ORDER OF BUSINESS

Public comment will be taken before the Commission takes action on any item.

1. **Call to Order and Roll Call.** The Commission on the Environment Meeting was called to order at 5:05 p.m. Present: Vice-President Gravanis, Commissioners King, Martin, Mok and Wald. Excused: President Pelosi Jr. and Commissioner Tuchow. Vice President Gravanis welcomed Commissioner Alan Mok back to the Commission on the Environment.
2. **Adoption of Minutes of the March 24, 2009 Commission Regular Meeting.** (Discussion and Action) Upon Motion by Commissioner Martin and second by Commissioner Wald, the March 24, 2009 Meeting Minutes were approved without objection (AYES: Vice-President Gravanis, Commissioners King, Martin, Mok, and Wald; Noes: None; Absent: President Pelosi Jr. and Commissioner Tuchow) (Explanatory Document: March 24, 2009 Approved Minutes http://sfgov.org/site/sfenvironment_page.asp?id=101855).
3. **Public Comments:** Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Mr. Paul Liotsakis, San Francisco Community Power, reported that San Francisco Community Power, a non-profit organization, got started with funding from the Department of the Environment, has been in existence for approximately ten years, and operates mostly in the southeast sector of San Francisco employing people in green jobs in the energy sector. Mr. Liotsakis stated that they are having a hard time accessing part of the stimulus package funds and feels that San Francisco Community Power has done a good job in their mission of helping to save energy and creating jobs that were never a possibility in the past. Mr. Liotsakis thanked Department of the Environment staff such as Mr. Cal Broomhead for sharing information on the status of these funds and encouraged the role of San Francisco Community Power, a non-profit organization, in future efforts.
4. **Approval of the 2008 Annual Report on the Implementation of the Precautionary Purchasing Ordinance.** Sponsor: Acting Director David Assmann, Staff Speakers: Chris Geiger, Ph.D., City Toxics Reduction Coordinator (Explanatory Documents: 2008 Annual Report (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/2008AnnualReportSFApprovedProductsPurchased052609FINAL.pdf> 2008 Annual Report; Amended First Page of Annual Report (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/AmendedFirstPageAnnualReport.pdf> and SF Approved Green Products & Services Catalog (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/SFApprovedGreenProductsServicesCatalog.pdf>) (Informational Report, Discussion and Action)

Dr. Geiger reported on this year's accomplishments, which includes the first ever SF Approved Green Products & Services Catalog (Explanatory Document (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/SFApprovedGreenProductsServicesCatalog.pdf>)

which is now online www.sfenvironment.org/sfapproved and contains 1000 products, 27 product sub-categories, and covers 10 citywide commodities contracts. It was reported that Ms. Jessian Choy, City Toxics Reduction/Integrated Pest Management Associate for the Department, has been the force behind this project. Dr. Geiger reported that this catalog integrates all information in one place for better accessibility to City departments while also creating a resource that people outside of the City could access easily. The catalog format is an interim format and a new database is needed. The catalog contains references to other relevant topics, e.g. whether a product meets LEED requirements, whether other certifications are listed for each product, what certification it meets, information on which City vendor sells the product, and why the product should be purchased.

Dr. Geiger explained that the Ordinance requires that City departments provide data to the Department of the Environment so that their product purchases can be tracked. However, this is a bigger task than expected as there are 88 City departments and offices, and the City accounting system is not set up to handle this task. There is no best solution yet and for the past two- and a half years vendors were asked to provide the data. Dr. Geiger introduced Mr. Howard Tevelson, Green Purchasing, of the Office of Contract Administration who has been assisting in acquiring and tracking data from vendors. It was reported that the Annual Report contains missing data entries, and a few of those entries bear explanation as to why data was not received previously. Dr. Geiger explained that a new relationship is being formed with new contractors, and that new contracts are being written more strictly to account for data reporting, especially for the computer (IT Store) contract. The new IT Store contract was just awarded at the end of 2008, leaving little incentive for the previous vendors to comply with reporting requirements.

Dr. Geiger reported that there was a 54% overall increase in green product purchases over the last year that varies depending on the product category. There was a 556% increase for janitorial cleaners because a lot of training and outreach was conducted. Lighting is the hardest product to tabulate because there are so many lighting products and because one vendor did not submit reports. Work is actively in progress with the Nationwide Responsible Purchasing Network, an organization that is trying to leverage our efforts with manufacturers to improve product standards and specifications. Dr. Geiger reported on the discussion that was held about pursuing computer packaging as a national project of the Responsible Purchasing Network and efforts underway to research the issues and alternatives, which will be discussed at next month's meeting. Dr. Geiger reported that he has also scheduled a meeting with a major packaging company to discuss issues such as replacing Styrofoam computer packaging with recyclable packaging. Dr. Geiger reported on other major activities this year, which includes working on a new lamps contract for low-mercury, long-life and energy-efficient lamps. This effort is awaiting the Office of Contract Administration's timetable to allow publication of the advertisement. A new contract award was completed for energy-efficient electrical lamp fixtures as part of the electrical materials contract.

Future efforts include working with the IT Store, one of the biggest City contracts for computer and IT equipment, to do reporting and work together on the outreach and education component to City purchasers so that whenever someone wants to buy a computer in the City, they would have to make their purchase from a list of environmentally preferable (EP) products. Dr. Geiger reported on another major accomplishment for the year in which San Francisco became the first city in the country to have EP Gold standards for computer equipment, which is a registration system set up by the Environmental Protection Agency (EPA) with spot auditing and includes standards for recycling, toxics, and energy efficiency. San Francisco is the first to require EP Gold certification for our purchases and the first to require Climate Savers, a certification for computer servers, which is about half of the products that the City purchases, and would result in a great deal of energy savings. Next year's efforts will also include reviewing contracts for carpets, paint, compostable and recyclable content trash can liners, and a new dairy contract (for locally produced and/or organic products). Dr. Geiger explained that the Office of Contract Administration has been a very good partner in working with all of these contracts and introduced Mr. Galen Leung from the Office of Contract Administration.

Mr. Leung reported that he was representing Ms. Naomi Kelly and is working with Dr. Geiger, Ms. Choy, and Department of the Environment staff to produce these various contracts and set standards on vendor reporting. Mr. Leung explained that work is in progress with end user departments on purchasing standards.

Commissioner Martin recommended that a producer responsibility model be considered so that the producer accepts packaging back, holds onto it, and provides it again as required for situations such as when people move and need to repack. It was explained that people may want to save the packaging, but don't have the space. Dr. Geiger reported that one of the items in the IT store contract included added points if they showed an ability to do take-back packaging; however, the discussion for storing and shipping back has not been held yet and may be complicated as far as logistics; however it is on the agenda for discussion. Commissioner Martin asked who uses the hydrogen power fueled cell cars referenced in the catalog. Dr. Geiger stated that product needed updating in the catalog as there was previously a demonstration car used in the past.

Commissioner Martin stated that she appreciates the sections where an explanation is given as to why purchasing a certain product is important so that people are educated and encouraged to avoid a certain product and to find a suitable alternative. It was suggested that there be a separate column explaining why for all products. Commissioner Martin also suggested expanding the carpet purchase recommendations to include flooring in general and to propose alternatives to carpets that are longer-term, more hygienic, and have better air quality.

Commissioner Wald commended this program as one of the City's and Department's landmarks and stated that making this information available to city residents and others is a real way to leverage efforts and accomplish the goals that we all share. Commissioner Wald recommended consideration of a slightly different version for the general public that might be included in a different part of the website from the City department version. The public version would include more detailed descriptions of the benefits of using these products so people would be encouraged to use them.

Vice President Gravanis inquired whether there was a way to ensure that tracking-data would be provided by vendors. Mr. Leung explained that the approach has been to point out to vendors that it is part of their contract requirement, and the longer that they take to fulfill this requirement, the more readily it will go out to bid. The technology store contract has a provision that when a new order comes in and a report has not been produced in time, they are put on notice that we are still awaiting their reports and they are taken through several steps, the final step of not accepting their future bid for new work that a department may have. This particular contract has multiple vendors that are able to bid on the work, so if reports are not produced on time, they lose the ability to bid against the other vendors. In order to accomplish these efforts, multiple vendors are needed for a contract, which is problematic in some cases where there are not that many vendors available. Each commodity or item has to be looked at separately in terms of seeing what the vendor market is. The best possibility is to provide both a positive and negative incentive to provide the report. Commissioner Wald recommended withholding payment. Mr. Leung explained that a payment can be withheld, but then there may be an issue of what happens when the item is critically needed by a department. The objective is to make sure that needs of end user departments are met and at the same time make sure vendors are complying with requirements.

Commissioner Martin inquired whether there is a way to facilitate the reports so it would be easier for the vendors. Mr. Leung reported that he is working with Ms. Choy and Mr. Tevelson on making reports easier to generate by creating an electronic reporting and payment system. Commissioner Wald recommended making payments in stages and to provide for vendors who have given reports to be paid by a specific date. If the vendor did not provide the report, they would only receive a quarter of their payment and would

have to wait until information was provided to receive succeeding portions. Mr. Leung reported that this approach was taken by one department whose invoice payments are more electronic, but the results have not been shared yet due to staffing issues as a result of budget shortfalls.

Vice President Gravanis reported that there have been citizens working on the Precautionary Principle issue for a long time that were not able to attend this meeting and reported on Ms. Clary's interest in the next sequence of product categories especially asphalt and asphalt patching products. Mr. Leung reported that his understanding working with the purchasers at the Airport and Department of Public Works is that the asphalt contracts should be coming up for bid later this fall, and they are in the process of rewriting the specifications. It was explained that there may be possible delays due to uncertainties about funding, but that the bid would probably be published late this fall or early winter, approximately in November or December.

Upon Motion by Commissioner King and second by Commissioner Martin, the 2008 Annual Report was approved without objection. (AYES: Vice-President Gravanis, Commissioners King, Martin, Mok, and Wald; Noes: None; Excused: President Pelosi Jr. and Commissioner Tuchow.)

5. **Update on Ocean (Wave and Tidal) Power Projects.** Sponsor: Acting Director David Assmann; Staff Speaker: Johanna Partin, Renewable Energy Program Manager (Explanatory Document: City and County of San Francisco Federal Energy Regulatory Commission (FERC) Application (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/FERCApplication.pdf> and Presentation (PPT) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/CommissionOceanPowerupdate052609.ppt>) (Informational Report and Discussion)

Ms. Partin reported that most of the focus on ocean power projects has been on wave projects and explained that the Department of the Environment is working closely with the San Francisco Public Utilities Commission (PUC) and the City Attorney's Office to pursue and study all of the city's ocean power potential. For the past year, work has been in progress to prepare a feasibility study on our wave power potential, and it was determined that there is promising potential. Ms. Partin reported that a preliminary permit application was submitted to the Federal Energy Regulatory Commission (FERC) (see explanatory document application above). The focus was on a particular study area called the Oceanside Wave Energy Project study area, which is between the transmission alignment and exclusion zone boundary (presentation pages 1-2 above). Ms. Partin discussed device screening criteria and site selection considerations (presentation page 3) and types of wave devices considered (presentation page 4). It was explained that based on outreach with resource and environmental agencies and the community, the focus would be on technologies that would be fully submerged. Two surging wave devices were focused on called the bioWave and the WaveRoller and also a device called the CETO, balloons attached to generation devices (pages 5-7).

Ms. Partin reported that a number of outreach meetings and sessions were conducted with all agencies which included a number of resource and regulatory permitting authorities as well as local, national and international environmental organizations, the fishing community and other municipalities (for a full list, see presentation page 8). It was expected that no environmental or fishing agencies would support the project; however, the most that could be expected is that they would be supportive of renewable energy technologies, including ocean power technologies, and would be willing to work on the effort to select devices that would be the most beneficial for that area. It was explained that all the groups that were reached out to were not in support of the project, but were appreciative of the outreach in the early stages of project development as that had not been done by others that had submitted permit applications.

Ms. Partin reported that about eight to ten months ago, notification was received that a wave power application had been submitted in the Gulf of Farallones Marine Sanctuary by a group called Grace

Harbor, which is based out of Seattle. The Department in the past had been required to respond to applications that had been submitted by other companies, and being in that position again, had decided that it was time to take proactive action and submit an application. The Department was given sixty days to respond to the Grace Harbor application in order to submit a competing application. The application was submitted to FERC within the condensed timeframe, and in the interim period, it was discovered that there would be a change in the regulatory authority at the federal level, so FERC was no longer going to be the primary jurisdictional authority for ocean power projects. That authority was going to be split between FERC and the Minerals Management Service (MMS), which is under the Department of the Interior. Now, MMS will control anything in the outer continental shelf which is 3 miles offshore out to 200 miles offshore. Anything beyond 200 miles is considered international waters. Anything between 0 and 3 miles offshore is now the jurisdiction of FERC. Because our project is in the outer continental shelf, it is beyond 3 miles, so notice was received from FERC that they had dismissed our application on the grounds of jurisdictional authority. Ms. Partin explained that MMS permitting requirements would be released in late June, and she is now reaching out to MMS to find out more about the requirements.

Ms. Partin explained that based on preliminary guidance that has been issued, an MMS lease application would be required for projects and even for a study. The fee for the lease would be based on the size of the project. Based on the current size that was outlined, that would be about \$50,000 a year, which is \$50,000 more than was anticipated. Ms. Partin explained that she would be reaching out to MMS and encouraging them to reduce the fees and would also be seeking other funding for a number of environmental studies that are anticipated, e.g., reviewing whale migration routes, other marine habitat issues, silt issues, and impacts on the fishing community if any. Ms. Partin stated that the Department of the Environment and SFPUC is in the process of submitting a joint proposal to the Federal Department of Energy, under their advanced water power funding solicitation, for approximately \$600,000 over two years to conduct those studies.

6. **Presentation and Approval of Commuter Benefits Ordinance Compliance Rule Making and Presentation on the Commuter Benefits and Emergency Ride Home Programs.** Sponsor: Acting Director David Assmann; Staff Speaker: Faiz Khan, Transportation Demand Management (TDM) Manager and Adeline Canez Transportation Demand Management Coordinator (Explanatory Documents: (1) Computer Benefits Compliance Forms (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/FERCAplication.pdf>; (2) Computer Benefits Mandate Presentation (PPT) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/Compliance%20Form-Admin%20Citation.pdf>; (3) Clean Air Transportation Programs Presentation (PPT) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/KhanPresentationCommuterBenefitsMandate.fk.pdf>; (4) Requirements of SF Commuter Benefits Ordinance (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/RequirementsofCommuterBenefitsOrdinance.pdf> (Informational Presentation, Discussion and Action)

Acting Director Assmann reported that the commuter benefits program is one of the more successful programs in terms of offering a win-win where employees and employers benefit in San Francisco. It was explained that this program was piloted for City employees and now is a requirement for large employers throughout the city. Mr. Khan reported that he would be presenting on commuter benefits ordinance compliance rule making and Ms. Adeline Canez of the Department of the Environment would be presenting on Transportation Demand Management (TDM) outreach efforts.

Commuter Benefits Mandate presentation (PPT)

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/KhanPresentationCommuterBenefitsMandate.fk.ppt>

Mr. Khan reported that the commuter benefits mandate took the Federal IRS 132F Code, which allows employees who work for any employer in a W2 capacity, to pre-tax their wages to pay for transit and van pool expenses, and bicycles would soon be included. San Francisco is the first City and County in the country to create a mandate where any employer with more than 20 employees within its jurisdiction is mandated to offer this benefit. Data received from the Treasurer and Tax Collector's Office shows that this ordinance would impact about 89% of the commuters in the City and County of San Francisco and roughly 8% of the large employers, which is where most of the commuters work. Currently there are about 300 businesses who have signed up as a result of this ordinance since January of this year.

Mr. Khan stated that in addition to mandating commuter benefits, the ordinance authorized the Department of the Environment to administer a guaranteed ride home program, which is referred to as the emergency ride home program that was launched in 2004. Mr. Khan explained that the emergency ride home program is free for the employer and for the employees. Employees who did not drive their car to work that day and experienced an emergency would receive a ride home. This program is paid for by the Department of the Environment who writes grants to the Air District to fund the program. There are approximately 80,000 commuters with about 175 businesses participating in this program. Emergency ride home agreements are renewed on an annual basis, and there are approximately 150 employers in San Francisco that will have their agreements renewed this year. Annual renewal of agreements created a lot of administrative work for Department staff, and it was decided that administrative authority was needed to enter into three-year agreements with employers, which applies to part of the rule making.

Mr. Khan explained that the commuter benefits ordinance and IRS 132F is a huge incentive for employers in San Francisco. Many employers originally were concerned about the payroll burden when the Department started going to the Board for passage last fall. They discovered that this ordinance saves employers about 9% in payroll taxes because every dollar the employee takes out of their paycheck to buy transit or vanpool or bicycle costs, employers do not pay taxes on. Mr. Khan reported on additional benefits to employers and employees (pages 2-3 of presentation).

Mr. Khan discussed the commuter benefits mandate compliance options (page 4 of presentation) and the support for this mandate by the San Francisco Chamber of Commerce, Building Owners Management Association, Union Square Merchants Association. A lot of businesses are signing up voluntarily and are reporting that they are in compliance through the three options offered. The benefit can be used for all transit and vanpools in the greater Bay Area (presentation page 5 for a complete list). Approximately 20% of the City and County of San Francisco's employees currently participate in the program, and the City saves about half a million in payroll taxes as a result. There are also many employers who are promoting this program (presentation page 7).

Mr. Khan reported that the Department of the Environment is responsible for promulgating rules, regulations, and forms implementing the Ordinance and for enforcing compliance by San Francisco employers. Explanatory documents with compliance forms and administrative citations that were created after consultation with the City Attorney's Office, Acting Director, and Office of Labor Enforcement Standards were provided to the Commissioners for their review and approval (see explanatory document above). Mr. Khan provided a description of the actions that would be taken for non-complying businesses and explained the administration of the emergency ride home program that the Commission would be approving (presentation page 7).

Commissioner Martin inquired about MapQuest for bicycles. Mr. Khan explained that this service is being worked on now. A grant was secured about three years ago but because of the bike injunction, the City Attorney's Office would not allow it to proceed. Mr. Khan explained that he is working with the Municipal

Transportation Commission (MTC) that currently manages the regional Bike Mapper application; however, that is a static map application, not interactive. An agreement is being worked on with MTC to transfer about \$150,000 to build the application and another \$30,000 will be spent for the Bike Coalition to do outreach with members. It will be the first version of its kind on interactive bike mapping in the country. Mr. Khan indicated that he would come back to the Commission in fall when a date has been secured by MTC and the product can be released. Commissioner Martin inquired whether it would be relevant for walking. Mr. Khan stated that there is not an accompaniment of walking right now but he is working with the Department of Parking and Traffic on this effort.

Commissioner Martin discussed the discussion a couple of years ago that MUNI or BART passes would be offered to Commissioners to attend meetings instead of providing free parking spaces. Mr. Khan indicated that he did not have information on this benefit and reported that the parking option for City employees was disabled. The ordinance does state that it is up to the employer to enable parking for their employees. However, it is not being promoted or mentioned to the employers in terms of ordinance compliance. Once the program is set up, the vendors will allow employers to do either pre-tax parking, transit, and vanpool deductions, and a bicycle deduction in the near term. Commissioner Martin suggested excluding the parking benefit. Mr. Khan stated that it was discussed with the City Attorney's Office and was retained in order to model IRS 132F, but when IRS 132F changes, it could be possible to make those changes.

Commissioner King inquired how many of the 300 business involved meets the 20 employees and over threshold. Mr. Khan reported that most of the 300 businesses signed up for the program, have 100 or more employees and all have 20 or more. Only soft outreach is being done for businesses that have fewer than 20 employees by offering incentives through vendors that may offer the benefits at a low cost. Commissioner King stated that it may be a burden for the Department of the Environment to carry this program administratively and be in charge of the implementation of rule making including collection of fines without funding. Commissioner King also recommended that there be a discussion held on what types of programs the fines would be used to fund and recommended that fines don't end up in the general fund. Commissioner King suggested using fines to create better facilities for bicyclists around the city in order to promote a better out of car experience. Mr. Khan reported that the Department is currently funded to do ordinance compliance through grants that have been secured and also the recovery money that comes in from the commuter benefits program for city employees. A determination has not been made as to the fine money because it is not known how much revenue the fines would generate, since there is such a large incentive to use this program. It was explained that this program has not been tried anywhere else, so there isn't a projection of what the fines would generate. The fines were put in place mainly to get the employer's attention to implement the program.

Mr. Khan explained that about \$10,000 was budgeted for this fiscal year in terms of revenue projection and collection of fines, and indicated that he would be happy provide an update once it is known how much in fines is collected in the next fiscal year. Commissioner King asked if the Department was being adequately compensated for facilitating this process. Acting Director Assmann reported that compensation is being made through grants that would cover the cost of administering this program. Mr. Khan explained that grant funding is from sales tax, Prop K, and also from the Air District for promotion of this program. It was explained that the Air District is considering including this program in other counties as part of their grant giving criteria and a similar ordinance may be available in other jurisdictions. Commissioner King inquired whether the funding is multi-year. Acting Director Assmann reported that we do need to keep reapplying for funding because it has a time limit, and if the grant were to disappear and we had to administer the program, then it would be a burden to the Department. Commissioner King recommended holding a discussion of how this program could be funded if grant funding was no longer available. Acting Director Assmann reported that he would work on identifying a plan if this were to happen.

Acting Director Assmann reported that there are four unanswered questions in the rules and regulations. Mr. Khan stated that they have been answered as input has since been received from the City Attorney's Office. Acting Director Assmann inquired about the question about the "fine may be up to \$500." Mr. Khan stated that the fine would actually start with \$500, then \$200, then \$100, up to \$800.00 in total. Acting Director Assmann inquired about the procedure for making payments. Mr. Khan stated that the Department has set up an index code so the employer can mail a check directly to us. Acting Director Assmann inquired about the appointment of the hearing officer. Mr. Khan explained that it could be the program staff or could be determined by the Department Director. Acting Director Assmann inquired about the anonymous versus formal complaint question. Mr. Khan reported that we have two complaint forms--one is where the employee could issue a complaint with their name and the employer's name and the other would be an anonymous form. Another way to report an employer complaint would be through the commuter benefits hotline.

Commissioner Wald asked to confirm that anonymous complaints would be taken as the documents in the packet request that people supply their names. Mr. Khan reported that anonymous complaints would be taken. Commissioner Wald asked how many staff members would be necessary to implement the program. Mr. Khan stated that two other staff members in addition to himself, would be dedicated to commuter benefits and commercial outreach; and would not know if that would change until the first year of implementation. It is projected that it be at least those three positions because a lot of employers are doing the outreach instead of vice-versa. Commissioner Wald inquired whether compliance checking would be implemented through response to forms or through an active investigation. Mr. Khan explained that compliance forms would be sent to employers with a follow-up call to the contact. The forms that are sent back will include the name of the vendor that they are using so that information supplied can be verified with the vendor and then updated in the database. Each year employers are asked to update their profile to confirm their participation. Site visits are also scheduled for non-complying vendors that do not provide the information.

Commissioner Martin recommended renewing agreements in five-year intervals instead of three to further reduce the paperwork. Mr. Khan stated that three-year intervals were selected because of how the grants are allocated. Since this is a grant funded program, funding can be foreseen for three years in advance, but the Air District may change their guidelines in five years. It was explained that most grants are for two year intervals.

Commissioner Martin left the meeting at 6:30 p.m.

Commissioner Mok inquired whether the Board of Supervisors would have to approve the rulemaking guidelines after the Commission's approval. Acting Director Assmann reported that the ordinance that was approved allocated the rule making responsibility to the Department.

Upon Motion by Commissioner King and second by Commissioner Wald, the Commission approved the Commuter Benefits Ordinance Compliance Rule Making effective for three years effective today and at that time would revisit the rules, procedures, and funding. (AYES: Vice President Gravanis, Commissioners King, Mok and Wald; Noes: None; Absent: President Pelosi Jr., Commissioners Martin and Tuchow).

Clean Air Transportation Presentation (PPT)

[http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/CleanAirTransportationPresentation\(1\).ppt](http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/CleanAirTransportationPresentation(1).ppt).

Ms. Canez, Transportation Demand Management (TDM) Coordinator, Clean Air Transportation Program, discussed program operations and outreach efforts for promoting alternative transportation and how alternative transportation would save employees money and help improve air quality. Ms. Canez discussed the personal and environmental consequences of commuting in single-occupancy vehicles (page 2 of

presentation), e.g. expense, quality of life, air quality, stress, threats of global warming, etc. It was explained that in the City of San Francisco, 51% of the carbon dioxide emitted into the atmosphere is due to the transportation sector. That is a big impact that residents and commuters have on air quality in the city. The Department of the Environment's Clean Air Transportation program is focused on reducing that impact by focusing mainly on commuters and trying to promote alternative transportation measures. The mission is to improve air quality by reducing vehicle trips traveled and by promoting the use of clean fuels.

Ms. Canez explained that outreach on promoting these efforts includes issuing transportation surveys that would ask employees what mode of transportation they are currently taking and what would incentivize them to not use their cars. In addition, there is outreach to promote the commuter benefits program, bicycle promotion, carpool/vanpool assistance, Bike Mapper, school ride matching, and emergency ride home programs. Ms. Canez provided a description of each of these programs (presentation pages 5-10). It was explained that outreach is being done to two different sectors that include City employees and employees of private San Francisco businesses to promote all programs. Assistance is offered to City departments in completing their transportation surveys to meet the goals of their Climate Action Plan. After review of the surveys, a determination will be made as to what the outreach effort should be to promote which program. The transportation survey is also being used on the commercial sector with different businesses to determine what programs they can be implementing to achieve the same goal.

Ms. Canez explained that the Department of the Environment is trying to lessen the impact that employees have by the programs that are offered and through outreach. A hotline has been established for contact 415-355-3727 as well as a website commuterbenefits@sfgov.org. Ms. Canez explained that at the City department level outreach includes new employee orientations, all staff meeting presentations, tabling, and answering hotline questions. Outreach efforts at the commercial level include transportation survey consultation, determining what modes of transportation and incentives to promote, tabling, and giving presentations at different business associations and luncheons.

Commissioner King stated that he is more in favor of expanding bicycle facilities downtown instead of congestion management proposals. Commissioner King stated that there is a high concentration of people who work downtown that may be interested in bicycling there were adequate facilities similar to what is offered at City Hall, e.g., bike lockup and shower facilities. It was explained that there is empty office space downtown that can be used for this purpose. Mr. Khan reported on existing facilities at the Cal train station at 4th and King and the Embarcadero Bike Station. For City employees, discussions are being held with the Department of Real Estate who is in the process of setting up a bike room at 1 South Van Ness Avenue and consideration is being given for doing the same at 1660 Mission Street. A list of other locations is also being considered that Mr. Khan indicated he could provide. Commissioner King recommended that one of the Commission's Committees hold a discussion with relevant agencies to discuss future plans for facilities.

Commissioner Wald suggested making a recommendation to the Planning Department that they create a requirement for bike rooms and showers in new commercial buildings that are constructed in San Francisco. Commissioner Wald stated that this is the appropriate time to adopt such a measure since new construction is not as prevalent. Mr. Khan reported that the Planning Department, as part of their TDM plan, has noted that bike facilities should be considered and encouraged as part of new permitting, construction or redevelopment. A certification program exists that would issue points for planning a bike room and shower facilities inside a building.

Vice President Gravanis inquired whether lockers for bicyclists and public transit users could be available for people who visit City Hall and other public places. Mr. Khan reported that locker rooms are limited to Commissioners and City employees as there was theft and other enforcement issues at the time they were

available to the general public. Vice President Gravanis indicated that MUNI station locker rooms were helpful but are no longer available.

Vice President Gravanis inquired about liability of ridesharing. Mr. Khan reported that is the biggest concern for funding agencies and most jurisdictions have a third party in charge of the software and services. In Contra Costa County's ride matching program, the county and the school district did not want the liability, so a third party private company was hired who purchased insurance on their software that they were offering to the county in their contract. The school district and the county including the contractor had a disclaimer on the website that this is only an information sharing resource. Mr. Khan discussed additional layers of security available for this program. Commissioner King recommended the possibility of fingerprinting. Mr. Khan stated that fingerprinting was not considered as an option at this time. Commissioner King discussed the need for screening to insure credibility of people providing the ridesharing.

Commissioner Wald commended the emergency ride home program and stated that her employer, NRDC, participates in the program and on the first day of sign-up they needed it and would be willing to testify on behalf of the success of this program.

7. **Description of the Overall Process of the Mayor's Office to Develop Projects for American Recovery and Reinvestment Act (ARRA) Funds, the Projects Being Developed by the Department of the Environment, and the Process Going Forward.** Sponsor: Acting Director David Assmann; Staff Speakers: Cal Broomhead, Energy and Climate Programs Manager, Vandana Bali, Manager Clean Vehicles Program, Bob Hayden, Clean Transportation Advisor (Informational Report and Discussion) (**Explanatory Documents:** Energy Presentation (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/EnergyPresentation.pdf> and Clean Cities ARRA Grant Presentation (PPT) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/CleanCitiesARRAhh52609.ppt>)

Acting Director Assmann reported that the Department of the Environment's involvement with the stimulus package is related to the energy program and clean air as it relates to fuels and vehicles.

Energy Presentation (PDF)

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/EnergyPresentation.pdf>

Mr. Broomhead reported that the stimulus package is a disappointment to many people because there were higher expectations. The money is competitive and there are a lot of federal and state bureaucracy rules and regulations. It was explained that the Mayor's staff is the point person for the funds--Ms. Rhonda Simmons is in charge of workforce development and is researching funding related to education and workforce. Mr. Wade Crowfoot is in charge of the transportation and energy group, and there are several other groups related to health care and other programs. Mr. Broomhead reported that the energy efficiency block grant money was not competitive, and the City received \$7.7 million dollars to use over a three-year period. In comparison, the Energy Watch program was funded at \$6.7 million for this calendar year, so the stimulus funds received is a modest increase in existing funding levels.

Mr. Broomhead reported that the Mayor's Office decided to split the energy efficiency block grant funds 50 – 50 between the Public Utilities Commission (PUC) and the Department of the Environment (SFE) (\$3.85 million). The first program proposal is on heating systems, primarily boilers in multi-family buildings. Over half of green house gas emissions are on the natural gas side and over half of the natural gas being burned is in the residential sector. The Energy Watch program cannot effectively address this sector because the way the California Public Utilities Commission (CPUC) has written the rules, building owners could only be offered a little bit more than the tax on the equipment as an incentive. As a result, there is a

disincentive to being involved in the residential market in upgrading older systems, which is what is in San Francisco. So, the money that is being received will be applied to this particular market sector as it is underfunded.

Mr. Broomhead reported that for the heating systems project, in addition to the energy efficiency block grant funds, there is a 30% federal tax credit, rebates, a new law, and a tax lien financing system to help building owners finance energy projects. The funding received will also generate a lot more jobs. Another program would be to target single-family and the two- to four unit home-owner market. They have a forced air furnace in the basement that provides heat to the units, which is a different technological issue to address than boilers. There would be two parts to this program, which includes community outreach and doing a home assessment/performance test. The home performance test would require a skilled workforce that will be doing technical assessments of the home and looking at the home as a system. An incentive program would be offered to help building owners decide to do the home improvements. Community based organizations would be utilized to promote home performance and educate the community about energy, water, disaster preparedness, etc.

Ms. Bali reported that for the federal stimulus package, there are three main options in the transportation sector--diesel, alternative fuel vehicles and infrastructure, and transportation electrification. There is \$300 million from the United States Department of Energy for petroleum reduction technology projects for the transportation sector, specifically to address alternative fuel vehicles and infrastructure from a regional standpoint. For the \$300 million Request for Proposals (RFP), there are approximately 30 potential grants that would be made available that would range from \$5 to \$15 million each. The Department of Energy is expecting broad public private partnerships across regions. Ms. Bali indicated that this funding falls under the Department of Energy's Clean Cities program, a program that was formed in 1993 in response to the Energy Act of 1992. The goal of these national Clean Cities Coalitions is essentially petroleum reduction, e.g., acquiring clean fuels, clean vehicles, advanced demonstration technology projects, putting CNG fueled, hydrogen and electric vehicles on the market, and building the infrastructure to fuel the vehicles of tomorrow and moving away from petroleum.

Ms. Bali explained that nationally, there are 90 Clean Cities Coalitions around the nation. In the Bay Area, there are three, the San Francisco Clean Cities Coalition (Ms. Bali is the Coordinator), Silicon Valley, and East Bay Clean Cities Coalitions. For the \$300 million opportunity, it is required that the public entity that makes the application partners with at least one or more Clean Cities Coalitions in the nation. Ms. Bali reported that she has been working with the Bay Area Air Qualities Management District (BAAQMD) as has Mr. Hayden since this RFP was issued early this year. The BAAQMD is the entity submitting the \$15 million application for the region, which is due on May 29th, and they have been actively working with the California Energy Commission (CEC) to secure the required 50% match. Ms. Bali stated that the CEC has written a letter of commitment and support of BAAQMD's application for \$11 million in matching funds, and the BAAQMD's Board approved a match of up to \$5 million dollars that would complete the \$15 million match to make this a regional project of about \$30 million. The funding would essentially be used to advance alternative fuel vehicles and secure the infrastructure necessary to fuel those, whether it is electric, compressed natural gas, or hydrogen vehicles.

Ms. Bali reported that she has coordinated the regional Clean Cities Coalitions to conduct the education and outreach in support of the projects in the BAAQMD's application. In that small piece, there is \$1.5 million that has been put forth for the three Clean Cities Coalitions. The San Francisco Clean City Coalition has been written in for \$500,000, \$250,000 from the Federal Department of Energy, approximately \$155,000 from the CEC, the remaining match from the BAAQMD, and other supplemental funds from SFE. The programs that will be worked on will provide education and outreach to inform residents, businesses, and other government sectors on what options are available so people can drive cleaner cars and know how to fuel those vehicles. The Clean Cities portion of \$1.5 million would target education and outreach of

institutions like community colleges, fleets, auto providers, fuel providers, and getting the word out through the media about all of the emerging technologies choices, so consumers can try these products and understand what the health and other benefits are in moving away from petroleum products as a society.

Clean Cities ARRA Funds Presentation (PPT)

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/CleanCitiesARRArh52609.ppt>

Mr. Hayden reported that for the Clean Cities \$300 million competitive grant from the United States Department of Energy, the assessment was quickly made that in order for the Bay Area to be competitive in acquiring funds, a regional proposal was needed. There was a joint effort with other cities and counties throughout the nine-county region, through the Bay Area Air Quality Management District, to identify projects that would add up to \$15 million in requests from the Department of Energy. The focus would be on electric vehicle (EV) programs so that the region is EV ready and would serve as a magnet for electric vehicles as they started coming out in the market in the next year or two. Work has been done on the best way to do that with the money that would be available through this funding opportunity and was categorized into three different project areas (1) EV chargers; (2) Plug-in hybrids—converting a large number of the hybrid vehicles that are in the City's fleet to operate as plug-in vehicles; and (3) EV Vans--purchase a few all battery electric vehicles that would be available now that could be used in the fleet (presentation page 1).

Mr. Hayden explained that for the EV chargers, the focus was to identify where publicly accessible chargers could be placed. It was determined that city-owned garages where we already have electric-vehicle chargers would be a location. The largest number is at the Civic Center garage where some electric vehicles are still in the City fleet, and there are eleven other garages in San Francisco where there are a number of older and for the most part obsolete EV chargers still in place. Mr. Hayden discussed the electrical survey of those facilities that was done with electrical engineers from the PUC to determine how many chargers could be put in those locations within the confines of the existing electrical load capacity that they can serve and came up with a formula for each garage and figured out what the optimal number of chargers were that could be put in as a starter set. All together it comes up to 240 chargers including those 12 garages downtown and four garages at the Airport where electric vehicle chargers could be placed now. Mr. Hayden discussed the distribution of funding requested for the EV chargers from federal, state, PUC, and vendor funds and described the proposal and distribution of funding for the plug-in hybrids and EV vans (presentation page 1). (Note: typo error in presentation – “140” chargers should be 240.) It was explained that if funding is not received at this time for the purchase of the battery electric vehicles, there would be additional state and federal grant opportunities in the next year. Mr. Hayden stated that under the Clean Cities grant, the Bay Area stands a good opportunity for funding from the Department of Energy as it is a strong regional proposal.

Mr. Hayden discussed a separate proposal for the transportation electrification program which is also another stimulus fund that was set up and is operated through the Department of Energy. This fund was set up for companies to identify large scale demonstrations in multiple cities or metropolitan locations around the country. SFE has contacted companies in the industry who were doing electric vehicle transportation projects to be part of their project and were written into vehicle projects by 1) Better Place, (2) Coulomb Technologies; (3) Nissan and AeroVironment; (4) Chrysler; and (5) Rocky Mountain Institute (RMI) “Project Get Ready” (presentation slide 2).

Mr. Broomhead stated that San Francisco represents about 1/300th of the population of the country. If you think of a pot of money that is \$300 million, our pro-rata share should be about \$1 million, so receiving \$1.5 million would be good. Commissioner Wald asked approximately how many jobs would the proposals bring to San Francisco and the Bay Area since the stimulus package is all about creating jobs. , Mr. Broomhead provided a calculation for approximately 60 jobs for the \$3.85 million from the block grant

money. Mr. Hayden reported that conversion of the plug-in hybrids would be done by about three garages within San Francisco and the Bay Area that have been licensed or certified to do so and could provide approximately a dozen jobs a year. Ms. Bali reported that for the Clean Cities program, there would be jobs involved for education, outreach, and workforce training components. It was explained that the BAAQMD has a formula that would indicate how many jobs they are projecting will be created from the entire \$15 million application for the region, and data can be provided to Commissioners.

Commissioner King stated that from his understanding about the Prius's, a lot of people are forced to go to the dealerships which don't always provide the best service deal, but feel they have to go there because they are the only place certified to work on this type of car. Commissioner King recommended creating an alternative fuel-friendly vehicle environment that would include more American-made vehicles.

Commissioner King inquired how many alternative vehicles there are in San Francisco. Ms. Bali stated that she could report back on that information from information from the new Eco Map program that provides Department of Motor Vehicle data for San Francisco on how many registered vehicles there are that are alternative fuel and what types they are. Ms. Bali reported that there are a lot of options in the market now for American hybrids and alternative fuel vehicles. It was explained that part of the education and outreach component is to make the Bay Area the magnet market for bringing in the curriculum, professors, teachers and leaders to make this the nucleus of the nation for making this the cutting edge on education for clean vehicles and alternative vehicles. Commissioner King stated that the Hunters Point Shipyard is still looking for research and development ideas and that there is a lot of space there. Commissioner King asked that the Shipyard be considered as a potential location. Commissioner King also recommended providing more service capability of alternative vehicles in San Francisco in order to bring in more revenue for the city.

Commissioner Wald asked when a response would be received on the stimulus fund package. Mr. Broomhead reported that for the energy block grant money, the proposal should be submitted in the next ten days. The Department of Energy would have to review about 2500 applications all of which are due by the end of June. It is projected that there would be an answer on the energy block grant and the vehicle proposal by October or November. It was explained that approvals have to be received from the Department of Energy, then checks have to arrive, then an accept and expend resolution has to be approved by the Board of Supervisors, a review would have to be done by the Budget Analyst, and once that is all in place, people would have to be hired to put the programs in place. Commissioner Wald asked whether anything could be started in advance. Mr. Broomhead reported that on the boiler retrofit program, discussions with building owners can be held now to find out what levels they are interested in, reviewing calculations, and putting together the curriculum for the home assessment community resilience assessment.

8. **Commission Questionnaire to Solicit Legislative Ideas from Environmental Organizations.** Sponsor: Commissioner Jane Martin, Staff Speaker: Mark Westlund, Program Outreach Manager (Explanatory Document: Questionnaire (Word) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/OutreachLetterDraft.doc>) (Discussion)

Vice President Gravanis announced that Commissioner Martin, the sponsor of this item, had to leave the meeting at 6:30 p.m. and requested that this item be referred back to the Policy Committee for refinement.

Commissioner Wald moved to adjourn, second by Commissioner King without objection. Vice President Gravanis announced that written reports had been provided for review on Items 11-12.

9. **Operations Committee Report.** (Information and Discussion)
Chair's Report: Report on the April 15, 2009 Meeting and review of the agenda for the upcoming meeting of July 15, 2009 at 5:00 p.m., to be held at the Department of the Environment Eco Center. No report was given at this time.

10. Policy Committee Report. (Information and Discussion)

Chairs Report: Highlights of the April 13 and May 11, 2009 meetings and review of the agenda for the June 8, 2009 meeting to be held at City Hall, Room 421. No report was given at this time.

11. Commission Secretary's Report. (Explanatory Document: Commission Secretary's Report (Word))

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/CommissionSecretaryReport052609.doc> (Information and Discussion)

Monica Fish, Commission Secretary

- Communications and Correspondence
- Update on Pending City Legislation

No verbal report was given at this time. Commissioners were asked to review the written report.

12. Director's Report. (Explanatory Document: Director's Report (Word))

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/DirectorsReportMay2009.doc> (Information and Discussion)

Updates on Department of the Environment administrative and programmatic operations relating to Budget Planning, Strategic Planning, Clean Air, Climate Division, Outreach and Education Division, Environmental Justice Division, Zero Waste, Toxics Reduction Program, and the Urban Forestry Division.

No verbal report was given at this time. Commissioners were asked to review the written report.

13. Announcements. (Information and Discussion) There were no announcements made at this time.

14. President's Announcements. (Information and Discussion) There were no announcements made at this time.

15. New Business/Future Agenda Items. (Information, Discussion and Possible Action). No new business or future agenda items were heard at this time.

16. Public Comments: Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. There was no public comment at this time.

17. Adjournment. The Commission on the Environment meeting adjourned at 7:49 p.m.

*** Copies of explanatory documents are available at (1) the Commission's office, 11 Grove Street, San Francisco, California between the hours of 9 a.m. and 5 p.m., (2) on the Commission's website at http://sfgov.org/site/sfenvironment_meeting.asp?id=61004; (3) by clicking on the links by each agenda item above, (4) upon request to the Commission Secretary, at telephone number 415-355-3709, or (5) via e-mail at Monica.Fish@sfgov.org within three business days of a meeting.*

Explanatory documents that are received after posting of this agenda are available on the website or upon request to the Commission Secretary at the contact information listed above.

Respectfully submitted by,
Monica Fish, Commission Secretary
TEL: (415) 355-3709
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Approved:



GOVERNMENT
CITY AND COUNTY OF SAN FRANCISCO DOCUMENTS DEPT
COMMISSION ON THE ENVIRONMENT

AUG 05 2009

REGULAR MEETING
APPROVED MINUTES

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TUESDAY, MAY 26, 2009, 5:00 P.M.

CITY HALL, ROOM 416, SAN FRANCISCO, CA 94102

COMMISSION MEMBERS: Commissioners Paul Pelosi Jr. (President), Ruth Gravanis (Vice-President), Angelo King, Jane MarieFrancis Martin, Alan Mok, Matt Tuchow, Johanna Wald

ORDER OF BUSINESS

Public comment will be taken before the Commission takes action on any item.

1. **Call to Order and Roll Call.** The Commission on the Environment Meeting was called to order at 5:05 p.m. Present: Vice-President Gravanis, Commissioners King, Martin, Mok and Wald. Excused: President Pelosi Jr. and Commissioner Tuchow. Vice President Gravanis welcomed Commissioner Alan Mok back to the Commission on the Environment.
2. **Adoption of Minutes of the March 24, 2009 Commission Regular Meeting.** (Discussion and Action) Upon Motion by Commissioner Martin and second by Commissioner Wald, the March 24, 2009 Meeting Minutes were approved without objection (AYES: Vice-President Gravanis, Commissioners King, Martin, Mok, and Wald; Noes: None; Absent: President Pelosi Jr. and Commissioner Tuchow) (Explanatory Document: March 24, 2009 Approved Minutes http://sfgov.org/site/sfenvironment_page.asp?id=101855).
3. **Public Comments:** Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Mr. Paul Liotsakis, San Francisco Community Power, reported that San Francisco Community Power, a non-profit organization, got started with funding from the Department of the Environment, has been in existence for approximately ten years, and operates mostly in the southeast sector of San Francisco employing people in green jobs in the energy sector. Mr. Liotsakis stated that they are having a hard time accessing part of the stimulus package funds and feels that San Francisco Community Power has done a good job in their mission of helping to save energy and creating jobs that were never a possibility in the past. Mr. Liotsakis thanked Department of the Environment staff such as Mr. Cal Broomhead for sharing information on the status of these funds and encouraged the role of San Francisco Community Power, a non-profit organization, in future efforts.
4. **Approval of the 2008 Annual Report on the Implementation of the Precautionary Purchasing Ordinance.** Sponsor: Acting Director David Assmann, Staff Speakers: Chris Geiger, Ph.D., City Toxics Reduction Coordinator (Explanatory Documents: 2008 Annual Report (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/2008AnnualReportSFApprovedProductsPurchased052609FINAL.pdf> 2008 Annual Report; Amended First Page of Annual Report (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/AmendedFirstPageAnnualReport.pdf> and SF Approved Green Products & Services Catalog (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/SFApprovedGreenProductsServicesCatalog.pdf>) (Informational Report, Discussion and Action)

Dr. Geiger reported on this year's accomplishments, which includes the first ever SF Approved Green Products & Services Catalog (Explanatory Document (PDF))

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/SFApprovedGreenProductsServicesCatalog.pdf>)

which is now online www.sfenvironment.org/sfapproved and contains 1000 products, 27 product sub-categories, and covers 10 citywide commodities contracts. It was reported that Ms. Jessian Choy, City Toxics Reduction/Integrated Pest Management Associate for the Department, has been the force behind this project. Dr. Geiger reported that this catalog integrates all information in one place for better accessibility to City departments while also creating a resource that people outside of the City could access easily. The catalog format is an interim format and a new database is needed. The catalog contains references to other relevant topics, e.g. whether a product meets LEED requirements, whether other certifications are listed for each product, what certification it meets, information on which City vendor sells the product, and why the product should be purchased.

Dr. Geiger explained that the Ordinance requires that City departments provide data to the Department of the Environment so that their product purchases can be tracked. However, this is a bigger task than expected as there are 88 City departments and offices, and the City accounting system is not set up to handle this task. There is no best solution yet and for the past two- and a half years vendors were asked to provide the data. Dr. Geiger introduced Mr. Howard Tevelson, Green Purchasing, of the Office of Contract Administration who has been assisting in acquiring and tracking data from vendors. It was reported that the Annual Report contains missing data entries, and a few of those entries bear explanation as to why data was not received previously. Dr. Geiger explained that a new relationship is being formed with new contractors, and that new contracts are being written more strictly to account for data reporting, especially for the computer (IT Store) contract. The new IT Store contract was just awarded at the end of 2008, leaving little incentive for the previous vendors to comply with reporting requirements.

Dr. Geiger reported that there was a 54% overall increase in green product purchases over the last year that varies depending on the product category. There was a 556% increase for janitorial cleaners because a lot of training and outreach was conducted. Lighting is the hardest product to tabulate because there are so many lighting products and because one vendor did not submit reports. Work is actively in progress with the Nationwide Responsible Purchasing Network, an organization that is trying to leverage our efforts with manufacturers to improve product standards and specifications. Dr. Geiger reported on the discussion that was held about pursuing computer packaging as a national project of the Responsible Purchasing Network and efforts underway to research the issues and alternatives, which will be discussed at next month's meeting. Dr. Geiger reported that he has also scheduled a meeting with a major packaging company to discuss issues such as replacing Styrofoam computer packaging with recyclable packaging. Dr. Geiger reported on other major activities this year, which includes working on a new lamps contract for low-mercury, long-life and energy-efficient lamps. This effort is awaiting the Office of Contract Administration's timetable to allow publication of the advertisement. A new contract award was completed for energy-efficient electrical lamp fixtures as part of the electrical materials contract.

Future efforts include working with the IT Store, one of the biggest City contracts for computer and IT equipment, to do reporting and work together on the outreach and education component to City purchasers so that whenever someone wants to buy a computer in the City, they would have to make their purchase from a list of environmentally preferable (EP) products. Dr. Geiger reported on another major accomplishment for the year in which San Francisco became the first city in the country to have EP Gold standards for computer equipment, which is a registration system set up by the Environmental Protection Agency (EPA) with spot auditing and includes standards for recycling, toxics, and energy efficiency. San Francisco is the first to require EP Gold certification for our purchases and the first to require Climate Savers, a certification for computer servers, which is about half of the products that the City purchases, and would result in a great deal of energy savings. Next year's efforts will also include reviewing contracts for carpets, paint, compostable and recyclable content trash can liners, and a new dairy contract (for locally produced and/or organic products). Dr. Geiger explained that the Office of Contract Administration has been a very good partner in working with all of these contracts and introduced Mr. Galen Leung from the Office of Contract Administration.

Mr. Leung reported that he was representing Ms. Naomi Kelly and is working with Dr. Geiger, Ms. Choy, and Department of the Environment staff to produce these various contracts and set standards on vendor reporting. Mr. Leung explained that work is in progress with end user departments on purchasing standards.

Commissioner Martin recommended that a producer responsibility model be considered so that the producer accepts packaging back, holds onto it, and provides it again as required for situations such as when people move and need to repack. It was explained that people may want to save the packaging, but don't have the space. Dr. Geiger reported that one of the items in the IT store contract included added points if they showed an ability to do take-back packaging; however, the discussion for storing and shipping back has not been held yet and may be complicated as far as logistics; however it is on the agenda for discussion. Commissioner Martin asked who uses the hydrogen power fueled cell cars referenced in the catalog. Dr. Geiger stated that product needed updating in the catalog as there was previously a demonstration car used in the past.

Commissioner Martin stated that she appreciates the sections where an explanation is given as to why purchasing a certain product is important so that people are educated and encouraged to avoid a certain product and to find a suitable alternative. It was suggested that there be a separate column explaining why for all products. Commissioner Martin also suggested expanding the carpet purchase recommendations to include flooring in general and to propose alternatives to carpets that are longer-term, more hygienic, and have better air quality.

Commissioner Wald commended this program as one of the City's and Department's landmarks and stated that making this information available to city residents and others is a real way to leverage efforts and accomplish the goals that we all share. Commissioner Wald recommended consideration of a slightly different version for the general public that might be included in a different part of the website from the City department version. The public version would include more detailed descriptions of the benefits of using these products so people would be encouraged to use them.

Vice President Gravani inquired whether there was a way to ensure that tracking-data would be provided by vendors. Mr. Leung explained that the approach has been to point out to vendors that it is part of their contract requirement, and the longer that they take to fulfill this requirement, the more readily it will go out to bid. The technology store contract has a provision that when a new order comes in and a report has not been produced in time, they are put on notice that we are still awaiting their reports and they are taken through several steps, the final step of not accepting their future bid for new work that a department may have. This particular contract has multiple vendors that are able to bid on the work, so if reports are not produced on time, they lose the ability to bid against the other vendors. In order to accomplish these efforts, multiple vendors are needed for a contract, which is problematic in some cases where there are not that many vendors available. Each commodity or item has to be looked at separately in terms of seeing what the vendor market is. The best possibility is to provide both a positive and negative incentive to provide the report. Commissioner Wald recommended withholding payment. Mr. Leung explained that a payment can be withheld, but then there may be an issue of what happens when the item is critically needed by a department. The objective is to make sure that needs of end user departments are met and at the same time make sure vendors are complying with requirements.

Commissioner Martin inquired whether there is a way to facilitate the reports so it would be easier for the vendors. Mr. Leung reported that he is working with Ms. Choy and Mr. Tevelson on making reports easier to generate by creating an electronic reporting and payment system. Commissioner Wald recommended making payments in stages and to provide for vendors who have given reports to be paid by a specific date. If the vendor did not provide the report, they would only receive a quarter of their payment and would

have to wait until information was provided to receive succeeding portions. Mr. Leung reported that this approach was taken by one department whose invoice payments are more electronic, but the results have not been shared yet due to staffing issues as a result of budget shortfalls.

Vice President Gravanis reported that there have been citizens working on the Precautionary Principle issue for a long time that were not able to attend this meeting and reported on Ms. Clary's interest in the next sequence of product categories especially asphalt and asphalt patching products. Mr. Leung reported that his understanding working with the purchasers at the Airport and Department of Public Works is that the asphalt contracts should be coming up for bid later this fall, and they are in the process of rewriting the specifications. It was explained that there may be possible delays due to uncertainties about funding, but that the bid would probably be published late this fall or early winter, approximately in November or December.

Upon Motion by Commissioner King and second by Commissioner Martin, the 2008 Annual Report was approved without objection. (AYES: Vice-President Gravanis, Commissioners King, Martin, Mok, and Wald; Noes: None; Excused: President Pelosi Jr. and Commissioner Tuchow.)

- 5. Update on Ocean (Wave and Tidal) Power Projects.**-Sponsor: Acting Director David Assmann; Staff Speaker: Johanna Partin, Renewable Energy Program Manager (Explanatory Document: City and County of San Francisco Federal Energy Regulatory Commission (FERC) Application (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/FERCAApplication.pdf> and Presentation (PPT) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/CommissionOceanPowerupdate052609.ppt>) (Informational Report and Discussion)

Ms. Partin reported that most of the focus on ocean power projects has been on wave projects and explained that the Department of the Environment is working closely with the San Francisco Public Utilities Commission (PUC) and the City Attorney's Office to pursue and study all of the city's ocean power potential. For the past year, work has been in progress to prepare a feasibility study on our wave power potential, and it was determined that there is promising potential. Ms. Partin reported that a preliminary permit application was submitted to the Federal Energy Regulatory Commission (FERC) (see explanatory document application above). The focus was on a particular study area called the Oceanside Wave Energy Project study area, which is between the transmission alignment and exclusion zone boundary (presentation pages 1-2 above). Ms. Partin discussed device screening criteria and site selection considerations (presentation page 3) and types of wave devices considered (presentation page 4). It was explained that based on outreach with resource and environmental agencies and the community, the focus would be on technologies that would be fully submerged. Two surging wave devices were focused on called the bioWave and the WaveRoller and also a device called the CETO, balloons attached to generation devices (pages 5-7).

Ms. Partin reported that a number of outreach meetings and sessions were conducted with all agencies which included a number of resource and regulatory permitting authorities as well as local, national and international environmental organizations, the fishing community and other municipalities (for a full list, see presentation page 8). It was expected that no environmental or fishing agencies would support the project; however, the most that could be expected is that they would be supportive of renewable energy technologies, including ocean power technologies, and would be willing to work on the effort to select devices that would be the most beneficial for that area. It was explained that all the groups that were reached out to were not in support of the project, but were appreciative of the outreach in the early stages of project development as that had not been done by others that had submitted permit applications.

Ms. Partin reported that about eight to ten months ago, notification was received that a wave power application had been submitted in the Gulf of Farallones Marine Sanctuary by a group called Grace

Harbor, which is based out of Seattle. The Department in the past had been required to respond to applications that had been submitted by other companies, and being in that position again, had decided that it was time to take proactive action and submit an application. The Department was given sixty days to respond to the Grace Harbor application in order to submit a competing application. The application was submitted to FERC within the condensed timeframe, and in the interim period, it was discovered that there would be a change in the regulatory authority at the federal level, so FERC was no longer going to be the primary jurisdictional authority for ocean power projects. That authority was going to be split between FERC and the Minerals Management Service (MMS), which is under the Department of the Interior. Now, MMS will control anything in the outer continental shelf which is 3 miles offshore out to 200 miles offshore. Anything beyond 200 miles is considered international waters. Anything between 0 and 3 miles offshore is now the jurisdiction of FERC. Because our project is in the outer continental shelf, it is beyond 3 miles, so notice was received from FERC that they had dismissed our application on the grounds of jurisdictional authority. Ms. Partin explained that MMS permitting requirements would be released in late June, and she is now reaching out to MMS to find out more about the requirements.

Ms. Partin explained that based on preliminary guidance that has been issued, an MMS lease application would be required for projects and even for a study. The fee for the lease would be based on the size of the project. Based on the current size that was outlined, that would be about \$50,000 a year, which is \$50,000 more than was anticipated. Ms. Partin explained that she would be reaching out to MMS and encouraging them to reduce the fees and would also be seeking other funding for a number of environmental studies that are anticipated, e.g., reviewing whale migration routes, other marine habitat issues, silts issues, and impacts on the fishing community if any. Ms. Partin stated that the Department of the Environment and SFPUC is in the process of submitting a joint proposal to the Federal Department of Energy, under their advanced water power funding solicitation, for approximately \$600,000 over two years to conduct those studies.

6. **Presentation and Approval of Commuter Benefits Ordinance Compliance Rule Making and Presentation on the Commuter Benefits and Emergency Ride Home Programs.** Sponsor: Acting Director David Assmann; Staff Speaker: Faiz Khan, Transportation Demand Management (TDM) Manager and Adeline Canez Transportation Demand Management Coordinator (Explanatory Documents: (1) Commuter Benefits Compliance Forms (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/FERCAplication.pdf>; (2) Commuter Benefits Mandate Presentation (PPT) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/Compliance%20Form-Admin%20Citation.pdf>; (3) Clean Air Transportation Programs Presentation (PPT) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/KhanPresentationCommuterBenefitsMandate.fk.pdf>; (4) Requirements of SF Commuter Benefits Ordinance (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/RequirementsofCommuterBenefitsOrdinance.pdf> (Informational Presentation, Discussion and Action)

Acting Director Assmann reported that the commuter benefits program is one of the more successful programs in terms of offering a win-win where employees and employers benefit in San Francisco. It was explained that this program was piloted for City employees and now is a requirement for large employers throughout the city. Mr. Khan reported that he would be presenting on commuter benefits ordinance compliance rule making and Ms. Adeline Canez of the Department of the Environment would be presenting on Transportation Demand Management (TDM) outreach efforts.

Commuter Benefits Mandate presentation (PPT)

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/KhanPresentationCommuterBenefitsMandate.fk.ppt>

Mr. Khan reported that the commuter benefits mandate took the Federal IRS 132F Code, which allows employees who work for any employer in a W2 capacity, to pre-tax their wages to pay for transit and van pool expenses, and bicycles would soon be included. San Francisco is the first City and County in the country to create a mandate where any employer with more than 20 employees within its jurisdiction is mandated to offer this benefit. Data received from the Treasurer and Tax Collector's Office shows that this ordinance would impact about 89% of the commuters in the City and County of San Francisco and roughly 8% of the large employers, which is where most of the commuters work. Currently there are about 300 businesses who have signed up as a result of this ordinance since January of this year.

Mr. Khan stated that in addition to mandating commuter benefits, the ordinance authorized the Department of the Environment to administer a guaranteed ride home program, which is referred to as the emergency ride home program that was launched in 2004. Mr. Khan explained that the emergency ride home program is free for the employer and for the employees. Employees who did not drive their car to work that day and experienced an emergency would receive a ride home. This program is paid for by the Department of the Environment who writes grants to the Air District to fund the program. There are approximately 80,000 commuters with about 175 businesses participating in this program. Emergency ride home agreements are renewed on an annual basis, and there are approximately 150 employers in San Francisco that will have their agreements renewed this year. Annual renewal of agreements created a lot of administrative work for Department staff, and it was decided that administrative authority was needed to enter into three-year agreements with employers, which applies to part of the rule making.

Mr. Khan explained that the commuter benefits ordinance and IRS 132F is a huge incentive for employers in San Francisco. Many employers originally were concerned about the payroll burden when the Department started going to the Board for passage last fall. They discovered that this ordinance saves employers about 9% in payroll taxes because every dollar the employee takes out of their paycheck to buy transit or vanpool or bicycle costs, employers do not pay taxes on. Mr. Khan reported on additional benefits to employers and employees (pages 2-3 of presentation).

Mr. Khan discussed the commuter benefits mandate compliance options (page 4 of presentation) and the support for this mandate by the San Francisco Chamber of Commerce, Building Owners Management Association, Union Square Merchants Association. A lot of businesses are signing up voluntarily and are reporting that they are in compliance through the three options offered. The benefit can be used for all transit and vanpools in the greater Bay Area (presentation page 5 for a complete list). Approximately 20% of the City and County of San Francisco's employees currently participate in the program, and the City saves about half a million in payroll taxes as a result. There are also many employers who are promoting this program (presentation page 7).

Mr. Khan reported that the Department of the Environment is responsible for promulgating rules, regulations, and forms implementing the Ordinance and for enforcing compliance by San Francisco employers. Explanatory documents with compliance forms and administrative citations that were created after consultation with the City Attorney's Office, Acting Director, and Office of Labor Enforcement Standards were provided to the Commissioners for their review and approval (see explanatory document above). Mr. Khan provided a description of the actions that would be taken for non-complying businesses and explained the administration of the emergency ride home program that the Commission would be approving (presentation page 7).

Commissioner Martin inquired about MapQuest for bicycles. Mr. Khan explained that this service is being worked on now. A grant was secured about three years ago but because of the bike injunction, the City Attorney's Office would not allow it to proceed. Mr. Khan explained that he is working with the Municipal

Transportation Commission (MTC) that currently manages the regional Bike Mapper application; however, that is a static map application, not interactive. An agreement is being worked on with MTC to transfer about \$150,000 to build the application and another \$30,000 will be spent for the Bike Coalition to do outreach with members. It will be the first version of its kind on interactive bike mapping in the country. Mr. Khan indicated that he would come back to the Commission in fall when a date has been secured by MTC and the product can be released. Commissioner Martin inquired whether it would be relevant for walking. Mr. Khan stated that there is not an accompaniment of walking right now but he is working with the Department of Parking and Traffic on this effort.

Commissioner Martin discussed the discussion a couple of years ago that MUNI or BART passes would be offered to Commissioners to attend meetings instead of providing free parking spaces. Mr. Khan indicated that he did not have information on this benefit and reported that the parking option for City employees was disabled. The ordinance does state that it is up to the employer to enable parking for their employees. However, it is not being promoted or mentioned to the employers in terms of ordinance compliance. Once the program is set up, the vendors will allow employers to do either pre-tax parking, transit, and vanpool deductions, and a bicycle deduction in the near term. Commissioner Martin suggested excluding the parking benefit. Mr. Khan stated that it was discussed with the City Attorney's Office and was retained in order to model IRS 132F, but when IRS 132F changes, it could be possible to make those changes.

Commissioner King inquired how many of the 300 business involved meets the 20 employees and over threshold. Mr. Khan reported that most of the 300 businesses signed up for the program, have 100 or more employees and all have 20 or more. Only soft outreach is being done for businesses that have fewer than 20 employees by offering incentives through vendors that may offer the benefits at a low cost. Commissioner King stated that it may be a burden for the Department of the Environment to carry this program administratively and be in charge of the implementation of rule making including collection of fines without funding. Commissioner King also recommended that there be a discussion held on what types of programs the fines would be used to fund and recommended that fines don't end up in the general fund. Commissioner King suggested using fines to create better facilities for bicyclists around the city in order to promote a better out of car experience. Mr. Khan reported that the Department is currently funded to do ordinance compliance through grants that have been secured and also the recovery money that comes in from the commuter benefits program for city employees. A determination has not been made as to the fine money because it is not known how much revenue the fines would generate, since there is such a large incentive to use this program. It was explained that this program has not been tried anywhere else, so there isn't a projection of what the fines would generate. The fines were put in place mainly to get the employer's attention to implement the program.

Mr. Khan explained that about \$10,000 was budgeted for this fiscal year in terms of revenue projection and collection of fines, and indicated that he would be happy provide an update once it is known how much in fines is collected in the next fiscal year. Commissioner King asked if the Department was being adequately compensated for facilitating this process. Acting Director Assmann reported that compensation is being made through grants that would cover the cost of administering this program. Mr. Khan explained that grant funding is from sales tax, Prop K, and also from the Air District for promotion of this program. It was explained that the Air District is considering including this program in other counties as part of their grant giving criteria and a similar ordinance may be available in other jurisdictions. Commissioner King inquired whether the funding is multi-year. Acting Director Assmann reported that we do need to keep reapplying for funding because it has a time limit, and if the grant were to disappear and we had to administer the program, then it would be a burden to the Department. Commissioner King recommended holding a discussion of how this program could be funded if grant funding was no longer available. Acting Director Assmann reported that he would work on identifying a plan if this were to happen.

Acting Director Assmann reported that there are four unanswered questions in the rules and regulations. Mr. Khan stated that they have been answered as input has since been received from the City Attorney's Office. Acting Director Assmann inquired about the question about the "fine may be up to \$500." Mr. Khan stated that the fine would actually start with \$500, then \$200, then \$100, up to \$800.00 in total. Acting Director Assmann inquired about the procedure for making payments. Mr. Khan stated that the Department has set up an index code so the employer can mail a check directly to us. Acting Director Assmann inquired about the appointment of the hearing officer. Mr. Khan explained that it could be the program staff or could be determined by the Department Director. Acting Director Assmann inquired about the anonymous versus formal complaint question. Mr. Khan reported that we have two complaint forms--one is where the employee could issue a complaint with their name and the employer's name and the other would be an anonymous form. Another way to report an employer complaint would be through the commuter benefits hotline.

Commissioner Wald asked to confirm that anonymous complaints would be taken as the documents in the packet request that people supply their names. Mr. Khan reported that anonymous complaints would be taken. Commissioner Wald asked how many staff members would be necessary to implement the program. Mr. Khan stated that two other staff members in addition to himself, would be dedicated to commuter benefits and commercial outreach; and would not know if that would change until the first year of implementation. It is projected that it be at least those three positions because a lot of employers are doing the outreach instead of vice-versa. Commissioner Wald inquired whether compliance checking would be implemented through response to forms or through an active investigation. Mr. Khan explained that compliance forms would be sent to employers with a follow-up call to the contact. The forms that are sent back will include the name of the vendor that they are using so that information supplied can be verified with the vendor and then updated in the database. Each year employers are asked to update their profile to confirm their participation. Site visits are also scheduled for non-complying vendors that do not provide the information.

Commissioner Martin recommended renewing agreements in five-year intervals instead of three to further reduce the paperwork. Mr. Khan stated that three-year intervals were selected because of how the grants are allocated. Since this is a grant funded program, funding can be foreseen for three years in advance, but the Air District may change their guidelines in five years. It was explained that most grants are for two year intervals.

Commissioner Martin left the meeting at 6:30 p.m.

Commissioner Mok inquired whether the Board of Supervisors would have to approve the rulemaking guidelines after the Commission's approval. Acting Director Assmann reported that the ordinance that was approved allocated the rule making responsibility to the Department.

Upon Motion by Commissioner King and second by Commissioner Wald, the Commission approved the Commuter Benefits Ordinance Compliance Rule Making effective for three years effective today and at that time would revisit the rules, procedures, and funding. (AYES: Vice President Gravanis, Commissioners King, Mok and Wald; Noes: None; Absent: President Pelosi Jr., Commissioners Martin and Tuchow).

Clean Air Transportation Presentation (PPT)

[http://stgov.org/sites/uploadedfiles/stenvironment/meetings/coe/supporting/2009/CleanAirTransportationPresentation\(1\).ppt](http://stgov.org/sites/uploadedfiles/stenvironment/meetings/coe/supporting/2009/CleanAirTransportationPresentation(1).ppt).

Ms. Canez, Transportation Demand Management (TDM) Coordinator, Clean Air Transportation Program, discussed program operations and outreach efforts for promoting alternative transportation and how alternative transportation would save employees money and help improve air quality. Ms. Canez discussed the personal and environmental consequences of commuting in single-occupancy vehicles (page 2 of

presentation), e.g. expense, quality of life, air quality, stress, threats of global warming, etc. It was explained that in the City of San Francisco, 51% of the carbon dioxide emitted into the atmosphere is due to the transportation sector. That is a big impact that residents and commuters have on air quality in the city. The Department of the Environment's Clean Air Transportation program is focused on reducing that impact by focusing mainly on commuters and trying to promote alternative transportation measures. The mission is to improve air quality by reducing vehicle trips traveled and by promoting the use of clean fuels.

Ms. Canez explained that outreach on promoting these efforts includes issuing transportation surveys that would ask employees what mode of transportation they are currently taking and what would incentivize them to not use their cars. In addition, there is outreach to promote the commuter benefits program, bicycle promotion, carpool/vanpool assistance, Bike Mapper, school ride matching, and emergency ride home programs. Ms. Canez provided a description of each of these programs (presentation pages 5-10). It was explained that outreach is being done to two different sectors that include City employees and employees of private San Francisco businesses to promote all programs. Assistance is offered to City departments in completing their transportation surveys to meet the goals of their Climate Action Plan. After review of the surveys, a determination will be made as to what the outreach effort should be to promote which program. The transportation survey is also being used on the commercial sector with different businesses to determine what programs they can be implementing to achieve the same goal.

Ms. Canez explained that the Department of the Environment is trying to lessen the impact that employees have by the programs that are offered and through outreach. A hotline has been established for contact 415-355-3727 as well as a website commuterbenefits.sfgov.org. Ms. Canez explained that at the City department level outreach includes new employee orientations, all staff meeting presentations, tabling, and answering hotline questions. Outreach efforts at the commercial level include transportation survey consultation, determining what modes of transportation and incentives to promote, tabling, and giving presentations at different business associations and luncheons.

Commissioner King stated that he is more in favor of expanding bicycle facilities downtown instead of congestion management proposals. Commissioner King stated that there is a high concentration of people who work downtown that may be interested in bicycling there were adequate facilities similar to what is offered at City Hall, e.g., bike lockup and shower facilities. It was explained that there is empty office space downtown that can be used for this purpose. Mr. Khan reported on existing facilities at the Cal train station at 4th and King and the Embarcadero Bike Station. For City employees, discussions are being held with the Department of Real Estate who is in the process of setting up a bike room at 1 South Van Ness Avenue and consideration is being given for doing the same at 1660 Mission Street. A list of other locations is also being considered that Mr. Khan indicated he could provide. Commissioner King recommended that one of the Commission's Committees hold a discussion with relevant agencies to discuss future plans for facilities.

Commissioner Wald suggested making a recommendation to the Planning Department that they create a requirement for bike rooms and showers in new commercial buildings that are constructed in San Francisco. Commissioner Wald stated that this is the appropriate time to adopt such a measure since new construction is not as prevalent. Mr. Khan reported that the Planning Department, as part of their TDM plan, has noted that bike facilities should be considered and encouraged as part of new permitting, construction or redevelopment. A certification program exists that would issue points for planning a bike room and shower facilities inside a building.

Vice President Gravans inquired whether lockers for bicyclists and public transit users could be available for people who visit City Hall and other public places. Mr. Khan reported that locker rooms are limited to Commissioners and City employees as there was theft and other enforcement issues at the time they were

available to the general public. Vice President Gravanis indicated that MUNI station locker rooms were helpful but are no longer available.

Vice President Gravanis inquired about liability of ridesharing. Mr. Khan reported that is the biggest concern for funding agencies and most jurisdictions have a third party in charge of the software and services. In Contra Costa County's ride matching program, the county and the school district did not want the liability, so a third party private company was hired who purchased insurance on their software that they were offering to the county in their contract. The school district and the county including the contractor had a disclaimer on the website that this is only an information sharing resource. Mr. Khan discussed additional layers of security available for this program. Commissioner King recommended the possibility of fingerprinting. Mr. Khan stated that fingerprinting was not considered as an option at this time. Commissioner King discussed the need for screening to insure credibility of people providing the ridesharing.

Commissioner Wald commended the emergency ride home program and stated that her employer, NRDC, participates in the program and on the first day of sign-up they needed it and would be willing to testify on behalf of the success of this program.

- 7. Description of the Overall Process of the Mayor's Office to Develop Projects for American Recovery and Reinvestment Act (ARRA) Funds, the Projects Being Developed by the Department of the Environment, and the Process Going Forward.** Sponsor: Acting Director David Assmann; Staff Speakers: Cal Broomhead, Energy and Climate Programs Manager, Vandana Bali, Manager Clean Vehicles Program, Bob Hayden, Clean Transportation Advisor (Informational Report and Discussion) (**Explanatory Documents:** Energy Presentation (PDF)

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/EnergyPresentation.pdf> and Clean Cities

ARRA Grant Presentation (PPT)

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/CleanCitiesARRArh52609.ppt>

Acting Director Assmann reported that the Department of the Environment's involvement with the stimulus package is related to the energy program and clean air as it relates to fuels and vehicles.

Energy Presentation (PDF)

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/EnergyPresentation.pdf>

Mr. Broomhead reported that the stimulus package is a disappointment to many people because there were higher expectations. The money is competitive and there are a lot of federal and state bureaucracy rules and regulations. It was explained that the Mayor's staff is the point person for the funds--Ms. Rhonda Simmons is in charge of workforce development and is researching funding related to education and workforce. Mr. Wade Crowfoot is in charge of the transportation and energy group, and there are several other groups related to health care and other programs. Mr. Broomhead reported that the energy efficiency block grant money was not competitive, and the City received \$7.7 million dollars to use over a three-year period. In comparison, the Energy Watch program was funded at \$6.7 million for this calendar year, so the stimulus funds received is a modest increase in existing funding levels.

Mr. Broomhead reported that the Mayor's Office decided to split the energy efficiency block grant funds 50 - 50 between the Public Utilities Commission (PUC) and the Department of the Environment (SFE) (\$3.85 million). The first program proposal is on heating systems, primarily boilers in multi-family buildings. Over half of green house gas emissions are on the natural gas side and over half of the natural gas being burned is in the residential sector. The Energy Watch program cannot effectively address this sector because the way the California Public Utilities Commission (CPUC) has written the rules, building owners could only be offered a little bit more than the tax on the equipment as an incentive. As a result, there is a

disincentive to being involved in the residential market in upgrading older systems, which is what is in San Francisco. So, the money that is being received will be applied to this particular market sector as it is underfunded.

Mr. Broomhead reported that for the heating systems project, in addition to the energy efficiency block grant funds, there is a 30% federal tax credit, rebates, a new law, and a tax lien financing system to help building owners finance energy projects. The funding received will also generate a lot more jobs. Another program would be to target single-family and the two- to four unit home-owner market. They have a forced air furnace in the basement that provides heat to the units, which is a different technological issue to address than boilers. There would be two parts to this program, which includes community outreach and doing a home assessment/performance test. The home performance test would require a skilled workforce that will be doing technical assessments of the home and looking at the home as a system. An incentive program would be offered to help building owners decide to do the home improvements. Community based organizations would be utilized to promote home performance and educate the community about energy, water, disaster preparedness, etc.

Ms. Bali reported that for the federal stimulus package, there are three main options in the transportation sector--diesel, alternative fuel vehicles and infrastructure, and transportation electrification. There is \$300 million from the United States Department of Energy for petroleum reduction technology projects for the transportation sector, specifically to address alternative fuel vehicles and infrastructure from a regional standpoint. For the \$300 million Request for Proposals (RFP), there are approximately 30 potential grants that would be made available that would range from \$5 to \$15 million each. The Department of Energy is expecting broad public private partnerships across regions. Ms. Bali indicated that this funding falls under the Department of Energy's Clean Cities program, a program that was formed in 1993 in response to the Energy Act of 1992. The goal of these national Clean Cities Coalitions is essentially petroleum reduction, e.g., acquiring clean fuels, clean vehicles, advanced demonstration technology projects, putting CNG fueled, hydrogen and electric vehicles on the market, and building the infrastructure to fuel the vehicles of tomorrow and moving away from petroleum.

Ms. Bali explained that nationally, there are 90 Clean Cities Coalitions around the nation. In the Bay Area, there are three, the San Francisco Clean Cities Coalition (Ms. Bali is the Coordinator), Silicon Valley, and East Bay Clean Cities Coalitions. For the \$300 million opportunity, it is required that the public entity that makes the application partners with at least one or more Clean Cities Coalitions in the nation. Ms. Bali reported that she has been working with the Bay Area Air Qualities Management District (BAAQMD) as has Mr. Hayden since this RFP was issued early this year. The BAAQMD is the entity submitting the \$15 million application for the region, which is due on May 29th, and they have been actively working with the California Energy Commission (CEC) to secure the required 50% match. Ms. Bali stated that the CEC has written a letter of commitment and support of BAAQMD's application for \$11 million in matching funds, and the BAAQMD's Board approved a match of up to \$5 million dollars that would complete the \$15 million match to make this a regional project of about \$30 million. The funding would essentially be used to advance alternative fuel vehicles and secure the infrastructure necessary to fuel those, whether it is electric, compressed natural gas, or hydrogen vehicles.

Ms. Bali reported that she has coordinated the regional Clean Cities Coalitions to conduct the education and outreach in support of the projects in the BAAQMD's application. In that small piece, there is \$1.5 million that has been put forth for the three Clean Cities Coalitions. The San Francisco Clean City Coalition has been written in for \$500,000, \$250,000 from the Federal Department of Energy, approximately \$155,000 from the CEC, the remaining match from the BAAQMD, and other supplemental funds from SFE. The programs that will be worked on will provide education and outreach to inform residents, businesses, and other government sectors on what options are available so people can drive cleaner cars and know how to fuel those vehicles. The Clean Cities portion of \$1.5 million would target education and outreach of

institutions like community colleges, fleets, auto providers, fuel providers, and getting the word out through the media about all of the emerging technologies choices, so consumers can try these products and understand what the health and other benefits are in moving away from petroleum products as a society.

Clean Cities ARRA Funds Presentation (PPT)

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/CleanCitiesARRArlh52609.ppt>

Mr. Hayden reported that for the Clean Cities \$300 million competitive grant from the United States Department of Energy, the assessment was quickly made that in order for the Bay Area to be competitive in acquiring funds, a regional proposal was needed. There was a joint effort with other cities and counties throughout the nine-county region, through the Bay Area Air Quality Management District, to identify projects that would add up to \$15 million in requests from the Department of Energy. The focus would be on electric vehicle (EV) programs so that the region is EV ready and would serve as a magnet for electric vehicles as they started coming out in the market in the next year or two. Work has been done on the best way to do that with the money that would be available through this funding opportunity and was categorized into three different project areas (1) EV chargers; (2) Plug-in hybrids--converting a large number of the hybrid vehicles that are in the City's fleet to operate as plug-in vehicles; and (3) EV Vans--purchase a few all battery electric vehicles that would be available now that could be used in the fleet (presentation page 1).

Mr. Hayden explained that for the EV chargers, the focus was to identify where publicly accessible chargers could be placed. It was determined that city-owned garages where we already have electric-vehicle chargers would be a location. The largest number is at the Civic Center garage where some electric vehicles are still in the City fleet, and there are eleven other garages in San Francisco where there are a number of older and for the most part obsolete EV chargers still in place. Mr. Hayden discussed the electrical survey of those facilities that was done with electrical engineers from the PUC to determine how many chargers could be put in those locations within the confines of the existing electrical load capacity that they can serve and came up with a formula for each garage and figured out what the optimal number of chargers were that could be put in as a starter set. All together it comes up to 240 chargers including those 12 garages downtown and four garages at the Airport where electric vehicle chargers could be placed now. Mr. Hayden discussed the distribution of funding requested for the EV chargers from federal, state, PUC, and vendor funds and described the proposal and distribution of funding for the plug-in hybrids and EV vans (presentation page 1). (Note: typo error in presentation – "140" chargers should be 240.) It was explained that if funding is not received at this time for the purchase of the battery electric vehicles, there would be additional state and federal grant opportunities in the next year. Mr. Hayden stated that under the Clean Cities grant, the Bay Area stands a good opportunity for funding from the Department of Energy as it is a strong regional proposal.

Mr. Hayden discussed a separate proposal for the transportation electrification program which is also another stimulus fund that was set up and is operated through the Department of Energy. This fund was set up for companies to identify large scale demonstrations in multiple cities or metropolitan locations around the country. SFE has contacted companies in the industry who were doing electric vehicle transportation projects to be part of their project and were written into vehicle projects by 1) Better Place, (2) Coulomb Technologies; (3) Nissan and AeroVironment; (4) Chrysler; and (5) Rocky Mountain Institute (RMI) "Project Get Ready" (presentation slide 2).

Mr. Broomhead stated that San Francisco represents about 1/300th of the population of the country. If you think of a pot of money that is \$300 million, our pro-rata share should be about \$1 million, so receiving \$1.5 million would be good. Commissioner Wald asked approximately how many jobs would the proposals bring to San Francisco and the Bay Area since the stimulus package is all about creating jobs., Mr. Broomhead provided a calculation for approximately 60 jobs for the \$3.85 million from the block grant

money. Mr. Hayden reported that conversion of the plug-in hybrids would be done by about three garages within San Francisco and the Bay Area that have been licensed or certified to do so and could provide approximately a dozen jobs a year. Ms. Bali reported that for the Clean Cities program, there would be jobs involved for education, outreach, and workforce training components. It was explained that the BAAQMD has a formula that would indicate how many jobs they are projecting will be created from the entire \$15 million application for the region, and data can be provided to Commissioners.

Commissioner King stated that from his understanding about the Prius's, a lot of people are forced to go to the dealerships which don't always provide the best service deal, but feel they have to go there because they are the only place certified to work on this type of car. Commissioner King recommended creating an alternative fuel-friendly vehicle environment that would include more American-made vehicles.

Commissioner King inquired how many alternative vehicles there are in San Francisco. Ms. Bali stated that she could report back on that information from information from the new Eco Map program that provides Department of Motor Vehicle data for San Francisco on how many registered vehicles there are that are alternative fuel and what types they are. Ms. Bali reported that there are a lot of options in the market now for American hybrids and alternative fuel vehicles. It was explained that part of the education and outreach component is to make the Bay Area the magnet market for bringing in the curriculum, professors, teachers and leaders to make this the nucleus of the nation for making this the cutting edge on education for clean vehicles and alternative vehicles. Commissioner King stated that the Hunters Point Shipyard is still looking for research and development ideas and that there is a lot of space there. Commissioner King asked that the Shipyard be considered as a potential location. Commissioner King also recommended providing more service capability of alternative vehicles in San Francisco in order to bring in more revenue for the city.

Commissioner Wald asked when a response would be received on the stimulus fund package. Mr. Broomhead reported that for the energy block grant money, the proposal should be submitted in the next ten days. The Department of Energy would have to review about 2500 applications all of which are due by the end of June. It is projected that there would be an answer on the energy block grant and the vehicle proposal by October or November. It was explained that approvals have to be received from the Department of Energy, then checks have to arrive, then an accept and expend resolution has to be approved by the Board of Supervisors, a review would have to be done by the Budget Analyst, and once that is all in place, people would have to be hired to put the programs in place. Commissioner Wald asked whether anything could be started in advance. Mr. Broomhead reported that on the boiler retrofit program, discussions with building owners can be held now to find out what levels they are interested in, reviewing calculations, and putting together the curriculum for the home assessment community resilience assessment.

8. **Commission Questionnaire to Solicit Legislative Ideas from Environmental Organizations.** Sponsor: Commissioner Jane Martin, Staff Speaker: Mark Westlund, Program Outreach Manager (Explanatory Document: Questionnaire (Word) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/OutreachLetterDraft.doc>) (Discussion)

Vice President Gravanis announced that Commissioner Martin, the sponsor of this item, had to leave the meeting at 6:30 p.m. and requested that this item be referred back to the Policy Committee for refinement.

Commissioner Wald moved to adjourn, second by Commissioner King without objection. Vice President Gravanis announced that written reports had been provided for review on Items 11-12.

9. **Operations Committee Report.** (Information and Discussion)
Chair's Report: Report on the April 15, 2009 Meeting and review of the agenda for the upcoming meeting of July 15, 2009 at 5:00 p.m., to be held at the Department of the Environment Eco Center. No report was given at this time.

10. Policy Committee Report. (Information and Discussion)

Chairs Report: Highlights of the April 13 and May 11, 2009 meetings and review of the agenda for the June 8, 2009 meeting to be held at City Hall, Room 421. No report was given at this time.

11. Commission Secretary's Report. (Explanatory Document: Commission Secretary's Report (Word))

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/CommissionSecretaryReport052609.doc>

(Information and Discussion)

Monica Fish, Commission Secretary

- **Communications and Correspondence**
- **Update on Pending City Legislation**

No verbal report was given at this time. Commissioners were asked to review the written report.

12. Director's Report. (Explanatory Document: Director's Report (Word))

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/DirectorsReportMay2009.doc> (Information and Discussion)

Updates on Department of the Environment administrative and programmatic operations relating to Budget Planning, Strategic Planning, Clean Air, Climate Division, Outreach and Education Division, Environmental Justice Division, Zero Waste, Toxics Reduction Program, and the Urban Forestry Division.

No verbal report was given at this time. Commissioners were asked to review the written report.

13. Announcements. (Information and Discussion) There were no announcements made at this time.

14. President's Announcements. (Information and Discussion) There were no announcements made at this time.

15. New Business/Future Agenda Items. (Information, Discussion and Possible Action). No new business or future agenda items were heard at this time.

16. Public Comments: Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. There was no public comment at this time.

17. Adjournment. The Commission on the Environment meeting adjourned at 7:49 p.m.

*** Copies of explanatory documents are available at (1) the Commission's office, 11 Grove Street, San Francisco, California between the hours of 9 a.m. and 5 p.m., (2) on the Commission's website at http://sfgov.org/site/sfenvironment_meeting.asp?id=61004; (3) by clicking on the links by each agenda item above, (4) upon request to the Commission Secretary, at telephone number 415-355-3709, or (5) via e-mail at Monica.Fish@sfgov.org within three business days of a meeting.*

Explanatory documents that are received after posting of this agenda are available on the website or upon request to the Commission Secretary at the contact information listed above.

Respectfully submitted by,

Monica Fish, Commission Secretary

TEL: (415) 355-3709

FAX: (415) 554-6393

*Approved: July 28, 2009

CITY AND COUNTY OF SAN FRANCISCO
COMMISSION ON THE ENVIRONMENT

GOVERNMENT
DOCUMENTS DEPT

NOTICE OF MEETING AND AGENDA
TUESDAY, JULY 28, 2009, 5:00 P.M.
City Hall, Room 416
San Francisco, CA 94102

JUL 20 2009

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COMMISSION MEMBERS: Commissioners Paul Pelosi Jr. (President), Ruth Gravanis (Vice-President), Angelo King, Alan Mok, Jane MarieFrancis Martin, Matt Tuchow, Johanna Wald

ORDER OF BUSINESS

Public comment will be taken before the Commission takes action on any item.

1. **Call to Order and Roll Call.**
2. **Adoption of Minutes of the May 26, 2009 Commission Regular Meeting.** (Explanatory Document: May 26, 2009 Draft Minutes http://sfgov.org/site/sfenvironment_page.asp?id=105955) (Discussion and Action)
3. **Public Comments:** Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda.
4. **Presentation of Mayoral Certificate of Honor for Commissioner Emeritus Darian Rodriguez Heyman and Approval of Commission Resolution File No. 2009-03-COE commending Commissioner Emeritus Darian Rodriguez for his Service on the Commission on the Environment.** (Explanatory Documents: Certificate of Honor (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/CertificateofHonor.pdf> and Resolution File No. 2009-03-COE (Word) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/ResFile2009-03-COECommisionerRodriguezHeymanCommendation.doc>) Speaker: Commission President Paul Pelosi Jr. (Discussion)
5. **Approval of Resolution urging the San Francisco Planning Department to Prioritize the Completion of the Urban Forest Plan and Identify and Expedite Funding for Key Portions of the Plan.** Sponsor: Commissioner Jane MarieFrancis Martin; Speaker: Andres Power, San Francisco Planning Department (Explanatory Document: Resolution File No. 2009-04-COE (Word) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/Resolution2009-04-COEPriorizeUrbanForestPlan.doc>) (Discussion and Action)
6. **Mandatory Recycling and Composting Ordinance Implementation Update.** Sponsor: David Assmann, Deputy Director; Staff Speakers: Jack Macy, Commercial Zero Waste Coordinator and Mark Westlund, Public Outreach Program Manager (Informational Report and Discussion)
7. **Department of the Environment's Landfill Search Update.** Staff Sponsor and Speaker: David Assmann, Deputy Director (Informational Report and Discussion)
8. **Approval of Commission Questionnaire to Solicit Legislative Ideas from Environmental Organizations.** Sponsor: Commissioner Jane Martin, Staff Speaker: Mark Westlund, Program Outreach Manager (Explanatory Document: Questionnaire (Word) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/Surveyporenvirogroups.doc>) (Discussion and Action)

9. Approval of Integrated Pest Management (IPM) Report for 2006-2007. Speakers: Chris Geiger, Ph.D., IPM Program Manager, Department of the Environment and Ralph Montana, IPM Coordinator, Recreation and Park Department (Explanatory Document: 2006-07 IPM Report) (Informational Report, Discussion and Action)

10. San Francisco Carbon Fund Program. Sponsor: David Assmann, Deputy Director; Staff Speaker: Calla Ostrander, Climate Action Coordinator (Informational Report and Discussion)

11. Planning for the Commission on the Environment's Annual Retreat. (Discussion)

12. Operations Committee Report. (Information and Discussion)

Chair's Report: Report on the July 15, 2009 Meeting and review of the agenda for the upcoming meeting of October 21, 2009 at 5:00 p.m., to be held at the Department of the Environment Eco Center.

13. Policy Committee Report. (Information and Discussion)

Chairs Report: Highlights of the June 8 and July 13, 2009 meetings and review of the agenda for the August 10, 2009 meeting to be held at City Hall, Room 421.

14. Commission Secretary's Report. (Explanatory Document: Commission Secretary's Report (Word))
(Information and Discussion)

Monica Fish, Commission Secretary

- **Communications and Correspondence**
- **Update on Pending City Legislation**

15. Director's Report. (Explanatory Document: Director's Report) Updates on Department of the Environment administrative and programmatic operations relating to Budget Planning, Strategic Planning, Clean Air, Climate Division, Outreach and Education Division, Environmental Justice Division, Zero Waste, Toxics Reduction Program, and the Urban Forestry Division. (Information and Discussion)

16. Announcements. (Information and Discussion)

17. President's Announcements. (Information and Discussion)

18. New Business/Future Agenda Items. (Information, Discussion and Possible Action)

19. Public Comments: Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda.

20. Adjournment.

Monica Fish, Commission Secretary; TEL: (415) 355-3709; FAX: (415) 554-6393

The next Meeting of the Commission on the Environment is scheduled for Tuesday, September 22, 2009, 5:00 p.m. at City Hall, Room 416.

*** Copies of explanatory documents are available at (1) the Commission's office, 11 Grove Street, San Francisco, California between the hours of 9 a.m. and 5 p.m., (2) on the Commission's website http://sfgov.org/site/sfenvironment_meeting.asp?id=61004; (3) by clicking on the links by each agenda item above, (4) upon request to the Commission Secretary, at telephone number 415-355-3709, or via e-mail at Monica.Fish@sfgov.org within three business days of a meeting.* If any materials related to an item on this agenda have been distributed to the Commission after distribution of the agenda packet, those materials are available for public inspection at the Department of the Environment, 11 Grove Street, San Francisco, CA 94102 during normal office hours or will be made available at the Commission's website http://sfgov.org/site/sfenvironment_meeting.asp?id=61004 as links to the agenda or meeting minutes (by item).

Important Information

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

NOTE: Persons unable to attend the meeting may submit to the Commission on the Environment, by the time the proceedings begin, written comments regarding the agenda items above. These comments will be made a part of the official public record and shall be brought to the attention of the Commission on the Environment members. Any written comments should be sent to: Commission Secretary of the Environment, 11 Grove Street, San Francisco, CA 94102 by 5:00 p.m. on the day prior to the hearing. Comments that cannot be delivered to the Commission Secretary by that time may be taken directly to the hearing at the location above. When bringing handouts to meetings, please photocopy on both sides of the paper and try to use post-consumer recycled or tree-free paper. Also, please bring sufficient copies of handouts for the Commission, the Commission Secretary and the public.

Public Comment

At this time, members of the public may address the Commission on items of interest that are within the subject matter jurisdiction of the Commission but are not on today's agenda. Public comment will be taken following each agendized item. Each member of the public may address the Commission for up to three minutes, unless otherwise announced by the President. If it is demonstrated that the comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

The Brown Act forbids the Commission from taking action or discussing any item or issue not appearing on the posted agenda. This rule applies to issues raised in public comment as well. In response to public comment, not on an agendized item, the Commission is limited to:

1. Briefly responding to statements made or questions posed by members of the public, or
2. Request staff to report back on a matter at a subsequent meeting, or
3. Directing staff to place the item or issue on a future agenda (Government Code Section 54954.2(a)).

Disability Access

The Commission on the Environment meeting is held at City Hall, Room 416 in the Civic Center Area. The Commission meeting rooms are wheelchair accessible. The closest accessible BART station is the Civic Center Station at United Nations Plaza and Market Street. Accessible MUNI lines serving this location are: #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro Stations at Van Ness and Market and at Civic Center. For information about MUNI accessible services call (415) 923-6142. There is accessible curbside parking adjacent to City Hall on Grove Street and Van Ness Avenue and in the vicinity of the Veterans Building at 401 Van Ness Avenue adjacent to Davies Hall and the War Memorial Complex.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. Individuals with chemical sensitivity or related disabilities should call the Mayor's Office on Disability at (415) 554-6789 or (415) 554-6799 (TTY) for additional information.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact Monica Fish at (415) 355-3709 to make arrangements for the accommodation. Late requests will be honored, if possible.

Know your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force, Sunshine Task Force Administrator, City Hall, Room 409, One Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683 at Phone No.: (415) 554-7724; Fax No.: (415) 554-7854; E-mail: sotf@sfgov.org. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.sfgov.org.

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100, et. seq] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at: 25 Van Ness Avenue, 2nd Floor, San Francisco, CA 94102; telephone (415) 252-3100, fax (415) 252-3112, web site at www.sfgov.org/ethics.

Posted: July 20, 2009



CITY AND COUNTY OF SAN FRANCISCO
COMMISSION ON THE ENVIRONMENT

REGULAR MEETING
DRAFT MINUTES

TUESDAY, MAY 26, 2009, 5:00 P.M.
CITY HALL, ROOM 416, SAN FRANCISCO, CA 94102

COMMISSION MEMBERS: Commissioners Paul Pelosi Jr. (President), Ruth Gravanis (Vice-President), Angelo King, Jane Marie Francis Martin, Alan Mok, Matt Tuchow, Johanna Wald

ORDER OF BUSINESS

Public comment will be taken before the Commission takes action on any item.

- 1. Call to Order and Roll Call.** The Commission on the Environment Meeting was called to order at 5:05 p.m. Present: Vice-President Gravanis, Commissioners King, Martin, Mok and Wald. Excused: President Pelosi Jr. and Commissioner Tuchow. Vice President Gravanis welcomed Commissioner Alan Mok back to the Commission on the Environment.
- 2. Adoption of Minutes of the March 24, 2009 Commission Regular Meeting.** (Discussion and Action) Upon Motion by Commissioner Martin and second by Commissioner Wald, the March 24, 2009 Meeting Minutes were approved without objection (AYES: Vice-President Gravanis, Commissioners King, Martin, Mok, and Wald; Noes: None; Absent: President Pelosi Jr. and Commissioner Tuchow) (Explanatory Document: March 24, 2009 Approved Minutes http://sfgov.org/site/sfenvironment_page.asp?id=101855).
- 3. Public Comments:** Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Mr. Paul Liotsakis, San Francisco Community Power, reported that San Francisco Community Power, a non-profit organization, got started with funding from the Department of the Environment, has been in existence for approximately ten years, and operates mostly in the southeast sector of San Francisco employing people in green jobs in the energy sector. Mr. Liotsakis stated that they are having a hard time accessing part of the stimulus package funds and feels that San Francisco Community Power has done a good job in their mission of helping to save energy and creating jobs that were never a possibility in the past. Mr. Liotsakis thanked Department of the Environment staff such as Mr. Cal Broomhead for sharing information on the status of these funds and encouraged the role of San Francisco Community Power, a non-profit organization, in future efforts.
- 4. Approval of the 2008 Annual Report on the Implementation of the Precautionary Purchasing Ordinance.** Sponsor: Acting Director David Assmann, Staff Speakers: Chris Geiger, Ph.D., City Toxics Reduction Coordinator (Explanatory Documents: 2008 Annual Report (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/2008AnnualReportSFApprovedProductsPurchased052609FINAL.pdf> 2008 Annual Report; Amended First Page of Annual Report (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/AmendedFirstPageAnnualReport.pdf> and SF Approved Green Products & Services Catalog (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/SFAccreditedGreenProductsServicesCatalog.pdf>) (Informational Report, Discussion and Action)

Dr. Geiger reported on this year's accomplishments, which includes the first ever SF Approved Green Products & Services Catalog (Explanatory Document (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/SFAccreditedGreenProductsServicesCatalog.pdf>)

which is now online www.sfenvironment.org/sfapproved and contains 1000 products, 27 product sub-categories, and covers 10 citywide commodities contracts. It was reported that Ms. Jessian Choy, City Toxics Reduction/Integrated Pest Management Associate for the Department, has been the force behind this project. Dr. Geiger reported that this catalog integrates all information in one place for better accessibility to City departments while also creating a resource that people outside of the City could access easily. The catalog format is an interim format and a new database is needed. The catalog contains references to other relevant topics, e.g. whether a product meets LEED requirements, whether other certifications are listed for each product, what certification it meets, information on which City vendor sells the product, and why the product should be purchased.

Dr. Geiger explained that the Ordinance requires that City departments provide data to the Department of the Environment so that their product purchases can be tracked. However, this is a bigger task than expected as there are 88 City departments and offices, and the City accounting system is not set up to handle this task. There is no best solution yet and for the past two- and a half years vendors were asked to provide the data. Dr. Geiger introduced Mr. Howard Tevelson, Green Purchasing, of the Office of Contract Administration who has been assisting in acquiring and tracking data from vendors. It was reported that the Annual Report contains missing data entries, and a few of those entries bear explanation as to why data was not received previously. Dr. Geiger explained that a new relationship is being formed with new contractors, and that new contracts are being written more strictly to account for data reporting, especially for the computer (IT Store) contract. The new IT Store contract was just awarded at the end of 2008, leaving little incentive for the previous vendors to comply with reporting requirements.

Dr. Geiger reported that there was a 54% overall increase in green product purchases over the last year that varies depending on the product category. There was a 556% increase for janitorial cleaners because a lot of training and outreach was conducted. Lighting is the hardest product to tabulate because there are so many lighting products and because one vendor did not submit reports. Work is actively in progress with the Nationwide Responsible Purchasing Network, an organization that is trying to leverage our efforts with manufacturers to improve product standards and specifications. Dr. Geiger reported on the discussion that was held about pursuing computer packaging as a national project of the Responsible Purchasing Network and efforts underway to research the issues and alternatives, which will be discussed at next month's meeting. Dr. Geiger reported that he has also scheduled a meeting with a major packaging company to discuss issues such as replacing Styrofoam computer packaging with recyclable packaging. Dr. Geiger reported on other major activities this year, which includes working on a new lamps contract for low-mercury, long-life and energy-efficient lamps. This effort is awaiting the Office of Contract Administration's timetable to allow publication of the advertisement. A new contract award was completed for energy-efficient electrical lamp fixtures as part of the electrical materials contract.

Future efforts include working with the IT Store, one of the biggest City contracts for computer and IT equipment, to do reporting and work together on the outreach and education component to City purchasers so that whenever someone wants to buy a computer in the City, they would have to make their purchase from a list of environmentally preferable (EP) products. Dr. Geiger reported on another major accomplishment for the year in which San Francisco became the first city in the country to have EP Gold standards for computer equipment, which is a registration system set up by the Environmental Protection Agency (EPA) with spot auditing and includes standards for recycling, toxics, and energy efficiency. San Francisco is the first to require EP Gold certification for our purchases and the first to require Climate Savers, a certification for computer servers, which is about half of the products that the City purchases, and would result in a great deal of energy savings. Next year's efforts will also include reviewing contracts for carpets, paint, compostable and recyclable content trash can liners, and a new dairy contract (for locally produced and/or organic products). Dr. Geiger explained that the Office of Contract Administration has been a very good partner in working with all of these contracts and introduced Mr. Galen Leung from the Office of Contract Administration.

Mr. Leung reported that he was representing Ms. Naomi Kelly and is working with Dr. Geiger, Ms. Choy, and Department of the Environment staff to produce these various contracts and set standards on vendor reporting. Mr. Leung explained that work is in progress with end user departments on purchasing standards.

Commissioner Martin recommended that a producer responsibility model be considered so that the producer accepts packaging back, holds onto it, and provides it again as required for situations such as when people move and need to repack. It was explained that people may want to save the packaging, but don't have the space. Dr. Geiger reported that one of the items in the IT store contract included added points if they showed an ability to do take-back packaging; however, the discussion for storing and shipping back has not been held yet and may be complicated as far as logistics; however it is on the agenda for discussion. Commissioner Martin asked who uses the hydrogen power fueled cell cars referenced in the catalog. Dr. Geiger stated that product needed updating in the catalog as there was previously a demonstration car used in the past.

Commissioner Martin stated that she appreciates the sections where an explanation is given as to why purchasing a certain product is important so that people are educated and encouraged to avoid a certain product and to find a suitable alternative. It was suggested that there be a separate column explaining why for all products. Commissioner Martin also suggested expanding the carpet purchase recommendations to include flooring in general and to propose alternatives to carpets that are longer-term, more hygienic, and have better air quality.

Commissioner Wald commended this program as one of the City's and Department's landmarks and stated that making this information available to city residents and others is a real way to leverage efforts and accomplish the goals that we all share. Commissioner Wald recommended consideration of a slightly different version for the general public that might be included in a different part of the website from the City department version. The public version would include more detailed descriptions of the benefits of using these products so people would be encouraged to use them.

Vice President Gravaniis inquired whether there was a way to ensure that tracking-data would be provided by vendors. Mr. Leung explained that the approach has been to point out to vendors that it is part of their contract requirement, and the longer that they take to fulfill this requirement, the more readily it will go out to bid. The technology store contract has a provision that when a new order comes in and a report has not been produced in time, they are put on notice that we are still awaiting their reports and they are taken through several steps, the final step of not accepting their future bid for new work that a department may have. This particular contract has multiple vendors that are able to bid on the work, so if reports are not produced on time, they lose the ability to bid against the other vendors. In order to accomplish these efforts, multiple vendors are needed for a contract, which is problematic in some cases where there are not that many vendors available. Each commodity or item has to be looked at separately in terms of seeing what the vendor market is. The best possibility is to provide both a positive and negative incentive to provide the report. Commissioner Wald recommended withholding payment. Mr. Leung explained that a payment can be withheld, but then there may be an issue of what happens when the item is critically needed by a department. The objective is to make sure that needs of end user departments are met and at the same time make sure vendors are complying with requirements.

Commissioner Martin inquired whether there is a way to facilitate the reports so it would be easier for the vendors. Mr. Leung reported that he is working with Ms. Choy and Mr. Tevelson on making reports easier to generate by creating an electronic reporting and payment system. Commissioner Wald recommended making payments in stages and to provide for vendors who have given reports to be paid by a specific date. If the vendor did not provide the report, they would only receive a quarter of their payment and would

have to wait until information was provided to receive succeeding portions. Mr. Leung reported that this approach was taken by one department whose invoice payments are more electronic, but the results have not been shared yet due to staffing issues as a result of budget shortfalls.

Vice President Gravanis reported that there have been citizens working on the Precautionary Principle issue for a long time that were not able to attend this meeting and reported on Ms. Clary's interest in the next sequence of product categories especially asphalt and asphalt patching products. Mr. Leung reported that his understanding working with the purchasers at the Airport and Department of Public Works is that the asphalt contracts should be coming up for bid later this fall, and they are in the process of rewriting the specifications. It was explained that there may be possible delays due to uncertainties about funding, but that the bid would probably be published late this fall or early winter, approximately in November or December.

Upon Motion by Commissioner King and second by Commissioner Martin, the 2008 Annual Report was approved without objection. (AYES: Vice-President Gravanis, Commissioners King, Martin, Mok, and Wald; Noes: None; Excused: President Pelosi Jr. and Commissioner Tuchow.)

5. **Update on Ocean (Wave and Tidal) Power Projects.** Sponsor: Acting Director David Assmann; Staff Speaker: Johanna Partin, Renewable Energy Program Manager (Explanatory Document: City and County of San Francisco Federal Energy Regulatory Commission (FERC) Application (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/FERCAApplication.pdf> and Presentation (PPT) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/CommissionOceanPowerupdate052609.ppt>) (Informational Report and Discussion)

Ms. Partin reported that most of the focus on ocean power projects has been on wave projects and explained that the Department of the Environment is working closely with the San Francisco Public Utilities Commission (PUC) and the City Attorney's Office to pursue and study all of the city's ocean power potential. For the past year, work has been in progress to prepare a feasibility study on our wave power potential, and it was determined that there is promising potential. Ms. Partin reported that a preliminary permit application was submitted to the Federal Energy Regulatory Commission (FERC) (see explanatory document application above). The focus was on a particular study area called the Oceanside Wave Energy Project study area, which is between the transmission alignment and exclusion zone boundary (presentation pages 1-2 above). Ms. Partin discussed device screening criteria and site selection considerations (presentation page 3) and types of wave devices considered (presentation page 4). It was explained that based on outreach with resource and environmental agencies and the community, the focus would be on technologies that would be fully submerged. Two surging wave devices were focused on called the bioWave and the WaveRoller and also a device called the CETO, balloons attached to generation devices (pages 5-7).

Ms. Partin reported that a number of outreach meetings and sessions were conducted with all agencies which included a number of resource and regulatory permitting authorities as well as local, national and international environmental organizations, the fishing community and other municipalities (for a full list, see presentation page 8). It was expected that no environmental or fishing agencies would support the project; however, the most that could be expected is that they would be supportive of renewable energy technologies, including ocean power technologies, and would be willing to work on the effort to select devices that would be the most beneficial for that area. It was explained that all the groups that were reached out to were not in support of the project, but were appreciative of the outreach in the early stages of project development as that had not been done by others that had submitted permit applications.

Ms. Partin reported that about eight to ten months ago, notification was received that a wave power application had been submitted in the Gulf of Farallones Marine Sanctuary by a group called Grace

Harbor, which is based out of Seattle. The Department in the past had been required to respond to applications that had been submitted by other companies, and being in that position again, had decided that it was time to take proactive action and submit an application. The Department was given sixty days to respond to the Grace Harbor application in order to submit a competing application. The application was submitted to FERC within the condensed timeframe, and in the interim period, it was discovered that there would be a change in the regulatory authority at the federal level, so FERC was no longer going to be the primary jurisdictional authority for ocean power projects. That authority was going to be split between FERC and the Minerals Management Service (MMS), which is under the Department of the Interior. Now, MMS will control anything in the outer continental shelf which is 3 miles offshore out to 200 miles offshore. Anything beyond 200 miles is considered international waters. Anything between 0 and 3 miles offshore is now the jurisdiction of FERC. Because our project is in the outer continental shelf, it is beyond 3 miles, so notice was received from FERC that they had dismissed our application on the grounds of jurisdictional authority. Ms. Partin explained that MMS permitting requirements would be released in late June, and she is now reaching out to MMS to find out more about the requirements.

Ms. Partin explained that based on preliminary guidance that has been issued, an MMS lease application would be required for projects and even for a study. The fee for the lease would be based on the size of the project. Based on the current size that was outlined, that would be about \$50,000 a year, which is \$50,000 more than was anticipated. Ms. Partin explained that she would be reaching out to MMS and encouraging them to reduce the fees and would also be seeking other funding for a number of environmental studies that are anticipated, e.g., reviewing whale migration routes, other marine habitat issues, silts issues, and impacts on the fishing community if any. Ms. Partin stated that the Department of the Environment and SFPUC is in the process of submitting a joint proposal to the Federal Department of Energy, under their advanced water power funding solicitation, for approximately \$600,000 over two years to conduct those studies.

6. **Presentation and Approval of Commuter Benefits Ordinance Compliance Rule Making and Presentation on the Commuter Benefits and Emergency Ride Home Programs.** Sponsor: Acting Director David Assmann; Staff Speaker: Faiz Khan, Transportation Demand Management (TDM) Manager and Adeline Canez Transportation Demand Management Coordinator (Explanatory Documents: (1) Commuter Benefits Compliance Forms (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/FERCAApplication.pdf>; (2) Commuter Benefits Mandate Presentation (PPT) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/Compliance%20Form-Admin%20Citation.pdf>; (3) Clean Air Transportation Programs Presentation (PPT) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/KhanPresentationCommuterBenefitsMandate.fk.pdf> and (4) Requirements of SF Commuter Benefits Ordinance (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/RequirementsofCommuterBenefitsOrdinance.pdf> (Informational Presentation, Discussion and Action)

Acting Director Assmann reported that the commuter benefits program is one of the more successful programs in terms of offering a win-win where employees and employers benefit in San Francisco. It was explained that this program was piloted for City employees and now is a requirement for large employers throughout the city. Mr. Khan reported that he would be presenting on commuter benefits ordinance compliance rule making and Ms. Adeline Canez of the Department of the Environment would be presenting on Transportation Demand Management (TDM) outreach efforts.

Commuter Benefits Mandate presentation (PPT)

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/KhanPresentationCommuterBenefitsMandate.fk.ppt>

Mr. Khan reported that the commuter benefits mandate took the Federal IRS 132F Code, which allows employees who work for any employer in a W2 capacity, to pre-tax their wages to pay for transit and van pool expenses, and bicycles would soon be included. San Francisco is the first City and County in the country to create a mandate where any employer with more than 20 employees within its jurisdiction is mandated to offer this benefit. Data received from the Treasurer and Tax Collector's Office shows that this ordinance would impact about 89% of the commuters in the City and County of San Francisco and roughly 8% of the large employers, which is where most of the commuters work. Currently there are about 300 businesses who have signed up as a result of this ordinance since January of this year.

Mr. Khan stated that in addition to mandating commuter benefits, the ordinance authorized the Department of the Environment to administer a guaranteed ride home program, which is referred to as the emergency ride home program that was launched in 2004. Mr. Khan explained that the emergency ride home program is free for the employer and for the employees. Employees who did not drive their car to work that day and experienced an emergency would receive a ride home. This program is paid for by the Department of the Environment who writes grants to the Air District to fund the program. There are approximately 80,000 commuters with about 175 businesses participating in this program. Emergency ride home agreements are renewed on an annual basis, and there are approximately 150 employers in San Francisco that will have their agreements renewed this year. Annual renewal of agreements created a lot of administrative work for Department staff, and it was decided that administrative authority was needed to enter into three-year agreements with employers, which applies to part of the rule making.

Mr. Khan explained that the commuter benefits ordinance and IRS 132F is a huge incentive for employers in San Francisco. Many employers originally were concerned about the payroll burden when the Department started going to the Board for passage last fall. They discovered that this ordinance saves employers about 9% in payroll taxes because every dollar the employee takes out of their paycheck to buy transit or vanpool or bicycle costs, employers do not pay taxes on. Mr. Khan reported on additional benefits to employers and employees (pages 2-3 of presentation).

Mr. Khan discussed the commuter benefits mandate compliance options (page 4 of presentation) and the support for this mandate by the San Francisco Chamber of Commerce, Building Owners Management Association, Union Square Merchants Association. A lot of businesses are signing up voluntarily and are reporting that they are in compliance through the three options offered. The benefit can be used for all transit and vanpools in the greater Bay Area (presentation page 5 for a complete list). Approximately 20% of the City and County of San Francisco's employees currently participate in the program, and the City saves about half a million in payroll taxes as a result. There are also many employers who are promoting this program (presentation page 7).

Mr. Khan reported that the Department of the Environment is responsible for promulgating rules, regulations, and forms implementing the Ordinance and for enforcing compliance by San Francisco employers. Explanatory documents with compliance forms and administrative citations that were created after consultation with the City Attorney's Office, Acting Director, and Office of Labor Enforcement Standards were provided to the Commissioners for their review and approval (see explanatory document above). Mr. Khan provided a description of the actions that would be taken for non-complying businesses and explained the administration of the emergency ride home program that the Commission would be approving (presentation page 7).

Commissioner Martin inquired about MapQuest for bicycles. Mr. Khan explained that this service is being worked on now. A grant was secured about three years ago but because of the bike injunction, the City Attorney's Office would not allow it to proceed. Mr. Khan explained that he is working with the Municipal

Transportation Commission (MTC) that currently manages the regional Bike Mapper application; however, that is a static map application, not interactive. An agreement is being worked on with MTC to transfer about \$150,000 to build the application and another \$30,000 will be spent for the Bike Coalition to do outreach with members. It will be the first version of its kind on interactive bike mapping in the country. Mr. Khan indicated that he would come back to the Commission in fall when a date has been secured by MTC and the product can be released. Commissioner Martin inquired whether it would be relevant for walking. Mr. Khan stated that there is not an accompaniment of walking right now but he is working with the Department of Parking and Traffic on this effort.

Commissioner Martin discussed the discussion a couple of years ago that MUNI or BART passes would be offered to Commissioners to attend meetings instead of providing free parking spaces. Mr. Khan indicated that he did not have information on this benefit and reported that the parking option for City employees was disabled. The ordinance does state that it is up to the employer to enable parking for their employees. However, it is not being promoted or mentioned to the employers in terms of ordinance compliance. Once the program is set up, the vendors will allow employers to do either pre-tax parking, transit, and vanpool deductions, and a bicycle deduction in the near term. Commissioner Martin suggested excluding the parking benefit. Mr. Khan stated that it was discussed with the City Attorney's Office and was retained in order to model IRS 132F, but when IRS 132F changes, it could be possible to make those changes.

Commissioner King inquired how many of the 300 business involved meets the 20 employees and over threshold. Mr. Khan reported that most of the 300 businesses signed up for the program, have 100 or more employees and all have 20 or more. Only soft outreach is being done for businesses that have fewer than 20 employees by offering incentives through vendors that may offer the benefits at a low cost. Commissioner King stated that it may be a burden for the Department of the Environment to carry this program administratively and be in charge of the implementation of rule making including collection of fines without funding. Commissioner King also recommended that there be a discussion held on what types of programs the fines would be used to fund and recommended that fines don't end up in the general fund. Commissioner King suggested using fines to create better facilities for bicyclists around the city in order to promote a better out of car experience. Mr. Khan reported that the Department is currently funded to do ordinance compliance through grants that have been secured and also the recovery money that comes in from the commuter benefits program for city employees. A determination has not been made as to the fine money because it is not known how much revenue the fines would generate, since there is such a large incentive to use this program. It was explained that this program has not been tried anywhere else, so there isn't a projection of what the fines would generate. The fines were put in place mainly to get the employer's attention to implement the program.

Mr. Khan explained that about \$10,000 was budgeted for this fiscal year in terms of revenue projection and collection of fines, and indicated that he would be happy provide an update once it is known how much in fines is collected in the next fiscal year. Commissioner King asked if the Department was being adequately compensated for facilitating this process. Acting Director Assmann reported that compensation is being made through grants that would cover the cost of administering this program. Mr. Khan explained that grant funding is from sales tax, Prop K, and also from the Air District for promotion of this program. It was explained that the Air District is considering including this program in other counties as part of their grant giving criteria and a similar ordinance may be available in other jurisdictions. Commissioner King inquired whether the funding is multi-year. Acting Director Assmann reported that we do need to keep reapplying for funding because it has a time limit, and if the grant were to disappear and we had to administer the program, then it would be a burden to the Department. Commissioner King recommended holding a discussion of how this program could be funded if grant funding was no longer available. Acting Director Assmann reported that he would work on identifying a plan if this were to happen.

Acting Director Assmann reported that there are four unanswered questions in the rules and regulations. Mr. Khan stated that they have been answered as input has since been received from the City Attorney's Office. Acting Director Assmann inquired about the question about the "fine may be up to \$500." Mr. Khan stated that the fine would actually start with \$500, then \$200, then \$100, up to \$800.00 in total. Acting Director Assmann inquired about the procedure for making payments. Mr. Khan stated that the Department has set up an index code so the employer can mail a check directly to us. Acting Director Assmann inquired about the appointment of the hearing officer. Mr. Khan explained that it could be the program staff or could be determined by the Department Director. Acting Director Assmann inquired about the anonymous versus formal complaint question. Mr. Khan reported that we have two complaint forms—one is where the employee could issue a complaint with their name and the employer's name and the other would be an anonymous form. Another way to report an employer complaint would be through the commuter benefits hotline.

Commissioner Wald asked to confirm that anonymous complaints would be taken as the documents in the packet request that people supply their names. Mr. Khan reported that anonymous complaints would be taken. Commissioner Wald asked how many staff members would be necessary to implement the program. Mr. Khan stated that two other staff members in addition to himself, would be dedicated to commuter benefits and commercial outreach; and would not know if that would change until the first year of implementation. It is projected that it be at least those three positions because a lot of employers are doing the outreach instead of vice-versa. Commissioner Wald inquired whether compliance checking would be implemented through response to forms or through an active investigation. Mr. Khan explained that compliance forms would be sent to employers with a follow-up call to the contact. The forms that are sent back will include the name of the vendor that they are using so that information supplied can be verified with the vendor and then updated in the database. Each year employers are asked to update their profile to confirm their participation. Site visits are also scheduled for non-complying vendors that do not provide the information.

Commissioner Martin recommended renewing agreements in five-year intervals instead of three to further reduce the paperwork. Mr. Khan stated that three-year intervals were selected because of how the grants are allocated. Since this is a grant funded program, funding can be foreseen for three years in advance, but the Air District may change their guidelines in five years. It was explained that most grants are for two year intervals.

Commissioner Martin left the meeting at 6:30 p.m.

Commissioner Mok inquired whether the Board of Supervisors would have to approve the rulemaking guidelines after the Commission's approval. Acting Director Assmann reported that the ordinance that was approved allocated the rule making responsibility to the Department.

Upon Motion by Commissioner King and second by Commissioner Wald, the Commission approved the Commuter Benefits Ordinance Compliance Rule Making effective for three years effective today and at that time would revisit the rules, procedures, and funding. (AYES: Vice President Gravanis, Commissioners King, Mok and Wald; Noes: None; Absent: President Pelosi Jr., Commissioners Martin and Tuchow).

Clean Air Transportation Presentation (PPT)

[http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/CleanAirTransportationPresentation\(1\).ppt](http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/CleanAirTransportationPresentation(1).ppt).

Ms. Canez, Transportation Demand Management (TDM) Coordinator, Clean Air Transportation Program, discussed program operations and outreach efforts for promoting alternative transportation and how alternative transportation would save employees money and help improve air quality. Ms. Canez discussed the personal and environmental consequences of commuting in single-occupancy vehicles (page 2 of

presentation), e.g. expense, quality of life, air quality, stress, threats of global warming, etc. It was explained that in the City of San Francisco, 51% of the carbon dioxide emitted into the atmosphere is due to the transportation sector. That is a big impact that residents and commuters have on air quality in the city. The Department of the Environment's Clean Air Transportation program is focused on reducing that impact by focusing mainly on commuters and trying to promote alternative transportation measures. The mission is to improve air quality by reducing vehicle trips traveled and by promoting the use of clean fuels.

Ms. Canez explained that outreach on promoting these efforts includes issuing transportation surveys that would ask employees what mode of transportation they are currently taking and what would incentivize them to not use their cars. In addition, there is outreach to promote the commuter benefits program, bicycle promotion, carpool/vanpool assistance, Bike Mapper, school ride matching, and emergency ride home programs. Ms. Canez provided a description of each of these programs (presentation pages 5-10). It was explained that outreach is being done to two different sectors that include City employees and employees of private San Francisco businesses to promote all programs. Assistance is offered to City departments in completing their transportation surveys to meet the goals of their Climate Action Plan. After review of the surveys, a determination will be made as to what the outreach effort should be to promote which program. The transportation survey is also being used on the commercial sector with different businesses to determine what programs they can be implementing to achieve the same goal.

Ms. Canez explained that the Department of the Environment is trying to lessen the impact that employees have by the programs that are offered and through outreach. A hotline has been established for contact 415-355-3727 as well as a website commuterbenefits@sfgov.org. Ms. Canez explained that at the City department level outreach includes new employee orientations, all staff meeting presentations, tabling, and answering hotline questions. Outreach efforts at the commercial level include transportation survey consultation, determining what modes of transportation and incentives to promote, tabling, and giving presentations at different business associations and luncheons.

Commissioner King stated that he is more in favor of expanding bicycle facilities downtown instead of congestion management proposals. Commissioner King stated that there is a high concentration of people who work downtown that may be interested in bicycling there were adequate facilities similar to what is offered at City Hall, e.g., bike lockup and shower facilities. It was explained that there is empty office space downtown that can be used for this purpose. Mr. Khan reported on existing facilities at the Cal train station at 4th and King and the Embarcadero Bike Station. For City employees, discussions are being held with the Department of Real Estate who is in the process of setting up a bike room at 1 South Van Ness Avenue and consideration is being given for doing the same at 1660 Mission Street. A list of other locations is also being considered that Mr. Khan indicated he could provide. Commissioner King recommended that one of the Commission's Committees hold a discussion with relevant agencies to discuss future plans for facilities.

Commissioner Wald suggested making a recommendation to the Planning Department that they create a requirement for bike rooms and showers in new commercial buildings that are constructed in San Francisco. Commissioner Wald stated that this is the appropriate time to adopt such a measure since new construction is not as prevalent. Mr. Khan reported that the Planning Department, as part of their TDM plan, has noted that bike facilities should be considered and encouraged as part of new permitting, construction or redevelopment. A certification program exists that would issue points for planning a bike room and shower facilities inside a building.

Vice President Gravanis inquired whether lockers for bicyclists and public transit users could be available for people who visit City Hall and other public places. Mr. Khan reported that locker rooms are limited to Commissioners and City employees as there was theft and other enforcement issues at the time they were

available to the general public. Vice President Gravanis indicated that MUNI station locker rooms were helpful but are no longer available.

Vice President Gravanis inquired about liability of ridesharing. Mr. Khan reported that is the biggest concern for funding agencies and most jurisdictions have a third party in charge of the software and services. In Contra Costa County's ride matching program, the county and the school district did not want the liability, so a third party private company was hired who purchased insurance on their software that they were offering to the county in their contract. The school district and the county including the contractor had a disclaimer on the website that this is only an information sharing resource. Mr. Khan discussed additional layers of security available for this program. Commissioner King recommended the possibility of fingerprinting. Mr. Khan stated that fingerprinting was not considered as an option at this time. Commissioner King discussed the need for screening to insure credibility of people providing the ridesharing.

Commissioner Wald commended the emergency ride home program and stated that her employer, NRDC, participates in the program and on the first day of sign-up they needed it and would be willing to testify on behalf of the success of this program.

7. **Description of the Overall Process of the Mayor's Office to Develop Projects for American Recovery and Reinvestment Act (ARRA) Funds, the Projects Being Developed by the Department of the Environment, and the Process Going Forward.** Sponsor: Acting Director David Assmann; Staff Speakers: Cal Broomhead, Energy and Climate Programs Manager, Vandana Bali, Manager Clean Vehicles Program, Bob Hayden, Clean Transportation Advisor (Informational Report and Discussion) (**Explanatory Documents:** Energy Presentation (PDF)

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/EnergyPresentation.pdf> and Clean Cities ARRA Grant Presentation (PPT)

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/CleanCitiesARRArh52609.ppt>

Acting Director Assmann reported that the Department of the Environment's involvement with the stimulus package is related to the energy program and clean air as it relates to fuels and vehicles.

Energy Presentation (PDF)

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/EnergyPresentation.pdf>

Mr. Broomhead reported that the stimulus package is a disappointment to many people because there were higher expectations. The money is competitive and there are a lot of federal and state bureaucracy rules and regulations. It was explained that the Mayor's staff is the point person for the funds—Ms. Rhonda Simmons is in charge of workforce development and is researching funding related to education and workforce. Mr. Wade Crowfoot is in charge of the transportation and energy group, and there are several other groups related to health care and other programs. Mr. Broomhead reported that the energy efficiency block grant money was not competitive, and the City received \$7.7 million dollars to use over a three-year period. In comparison, the Energy Watch program was funded at \$6.7 million for this calendar year, so the stimulus funds received is a modest increase in existing funding levels.

Mr. Broomhead reported that the Mayor's Office decided to split the energy efficiency block grant funds 50 – 50 between the Public Utilities Commission (PUC) and the Department of the Environment (SFE) (\$3.85 million). The first program proposal is on heating systems, primarily boilers in multi-family buildings. Over half of green house gas emissions are on the natural gas side and over half of the natural gas being burned is in the residential sector. The Energy Watch program cannot effectively address this sector because the way the California Public Utilities Commission (CPUC) has written the rules, building owners could only be offered a little bit more than the tax on the equipment as an incentive. As a result, there is a

disincentive to being involved in the residential market in upgrading older systems, which is what is in San Francisco. So, the money that is being received will be applied to this particular market sector as it is underfunded.

Mr. Broomhead reported that for the heating systems project, in addition to the energy efficiency block grant funds, there is a 30% federal tax credit, rebates, a new law, and a tax lien financing system to help building owners finance energy projects. The funding received will also generate a lot more jobs. Another program would be to target single-family and the two- to four-unit home-owner market. They have a forced air furnace in the basement that provides heat to the units, which is a different technological issue to address than boilers. There would be two parts to this program, which includes community outreach and doing a home assessment/performance test. The home performance test would require a skilled workforce that will be doing technical assessments of the home and looking at the home as a system. An incentive program would be offered to help building owners decide to do the home improvements. Community based organizations would be utilized to promote home performance and educate the community about energy, water, disaster preparedness, etc.

Ms. Bali reported that for the federal stimulus package, there are three main options in the transportation sector--diesel, alternative fuel vehicles and infrastructure, and transportation electrification. There is \$300 million from the United States Department of Energy for petroleum reduction technology projects for the transportation sector, specifically to address alternative fuel vehicles and infrastructure from a regional standpoint. For the \$300 million Request for Proposals (RFP), there are approximately 30 potential grants that would be made available that would range from \$5 to \$15 million each. The Department of Energy is expecting broad public private partnerships across regions. Ms. Bali indicated that this funding falls under the Department of Energy's Clean Cities program, a program that was formed in 1993 in response to the Energy Act of 1992. The goal of these national Clean Cities Coalitions is essentially petroleum reduction, e.g., acquiring clean fuels, clean vehicles, advanced demonstration technology projects, putting CNG fueled, hydrogen and electric vehicles on the market, and building the infrastructure to fuel the vehicles of tomorrow and moving away from petroleum.

Ms. Bali explained that nationally, there are 90 Clean Cities Coalitions around the nation. In the Bay Area, there are three, the San Francisco Clean Cities Coalition (Ms. Bali is the Coordinator), Silicon Valley, and East Bay Clean Cities Coalitions. For the \$300 million opportunity, it is required that the public entity that makes the application partners with at least one or more Clean Cities Coalitions in the nation. Ms. Bali reported that she has been working with the Bay Area Air Qualities Management District (BAAQMD) as has Mr. Hayden since this RFP was issued early this year. The BAAQMD is the entity submitting the \$15 million application for the region, which is due on May 29th, and they have been actively working with the California Energy Commission (CEC) to secure the required 50% match. Ms. Bali stated that the CEC has written a letter of commitment and support of BAAQMD's application for \$11 million in matching funds, and the BAAQMD's Board approved a match of up to \$5 million dollars that would complete the \$15 million match to make this a regional project of about \$30 million. The funding would essentially be used to advance alternative fuel vehicles and secure the infrastructure necessary to fuel those, whether it is electric, compressed natural gas, or hydrogen vehicles.

Ms. Bali reported that she has coordinated the regional Clean Cities Coalitions to conduct the education and outreach in support of the projects in the BAAQMD's application. In that small piece, there is \$1.5 million that has been put forth for the three Clean Cities Coalitions. The San Francisco Clean City Coalition has been written in for \$500,000, \$250,000 from the Federal Department of Energy, approximately \$155,000 from the CEC, the remaining match from the BAAQMD, and other supplemental funds from SFE. The programs that will be worked on will provide education and outreach to inform residents, businesses, and other government sectors on what options are available so people can drive cleaner cars and know how to fuel those vehicles. The Clean Cities portion of \$1.5 million would target education and outreach of

institutions like community colleges, fleets, auto providers, fuel providers, and getting the word out through the media about all of the emerging technologies choices, so consumers can try these products and understand what the health and other benefits are in moving away from petroleum products as a society.

Clean Cities ARRA Funds Presentation (PPT)

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/CleanCitiesARRAhr52609.ppt>

Mr. Hayden reported that for the Clean Cities \$300 million competitive grant from the United States Department of Energy, the assessment was quickly made that in order for the Bay Area to be competitive in acquiring funds, a regional proposal was needed. There was a joint effort with other cities and counties throughout the nine-county region, through the Bay Area Air Quality Management District, to identify projects that would add up to \$15 million in requests from the Department of Energy. The focus would be on electric vehicle (EV) programs so that the region is EV ready and would serve as a magnet for electric vehicles as they started coming out in the market in the next year or two. Work has been done on the best way to do that with the money that would be available through this funding opportunity and was categorized into three different project areas (1) EV chargers; (2) Plug-in hybrids--converting a large number of the hybrid vehicles that are in the City's fleet to operate as plug-in vehicles; and (3) EV Vans--purchase a few all battery electric vehicles that would be available now that could be used in the fleet (presentation page 1).

Mr. Hayden explained that for the EV chargers, the focus was to identify where publicly accessible chargers could be placed. It was determined that city-owned garages where we already have electric-vehicle chargers would be a location. The largest number is at the Civic Center garage where some electric vehicles are still in the City fleet, and there are eleven other garages in San Francisco where there are a number of older and for the most part obsolete EV chargers still in place. Mr. Hayden discussed the electrical survey of those facilities that was done with electrical engineers from the PUC to determine how many chargers could be put in those locations within the confines of the existing electrical load capacity that they can serve and came up with a formula for each garage and figured out what the optimal number of chargers were that could be put in as a starter set. All together it comes up to 240 chargers including those 12 garages downtown and four garages at the Airport where electric vehicle chargers could be placed now. Mr. Hayden discussed the distribution of funding requested for the EV chargers from federal, state, PUC, and vendor funds and described the proposal and distribution of funding for the plug-in hybrids and EV vans (presentation page 1). (Note: typo error in presentation – “140” chargers should be 240.) It was explained that if funding is not received at this time for the purchase of the battery electric vehicles, there would be additional state and federal grant opportunities in the next year. Mr. Hayden stated that under the Clean Cities grant, the Bay Area stands a good opportunity for funding from the Department of Energy as it is a strong regional proposal.

Mr. Hayden discussed a separate proposal for the transportation electrification program which is also another stimulus fund that was set up and is operated through the Department of Energy. This fund was set up for companies to identify large scale demonstrations in multiple cities or metropolitan locations around the country. SFE has contacted companies in the industry who were doing electric vehicle transportation projects to be part of their project and were written into vehicle projects by 1) Better Place, (2) Coulomb Technologies; (3) Nissan and AeroVironment; (4) Chrysler; and (5) Rocky Mountain Institute (RMI) "Project Get Ready" (presentation slide 2).

Mr. Broomhead stated that San Francisco represents about 1/300th of the population of the country. If you think of a pot of money that is \$300 million, our pro-rata share should be about \$1 million, so receiving \$1.5 million would be good. Commissioner Wald asked approximately how many jobs would the proposals bring to San Francisco and the Bay Area since the stimulus package is all about creating jobs. , Mr. Broomhead provided a calculation for approximately 60 jobs for the \$3.85 million from the block grant

money. Mr. Hayden reported that conversion of the plug-in hybrids would be done by about three garages within San Francisco and the Bay Area that have been licensed or certified to do so and could provide approximately a dozen jobs a year. Ms. Bali reported that for the Clean Cities program, there would be jobs involved for education, outreach, and workforce training components. It was explained that the BAAQMD has a formula that would indicate how many jobs they are projecting will be created from the entire \$15 million application for the region, and data can be provided to Commissioners.

Commissioner King stated that from his understanding about the Prius's, a lot of people are forced to go to the dealerships which don't always provide the best service deal, but feel they have to go there because they are the only place certified to work on this type of car. Commissioner King recommended creating an alternative fuel-friendly vehicle environment that would include more American-made vehicles. Commissioner King inquired how many alternative vehicles there are in San Francisco. Ms. Bali stated that she could report back on that information from information from the new Eco Map program that provides Department of Motor Vehicle data for San Francisco on how many registered vehicles there are that are alternative fuel and what types they are. Ms. Bali reported that there are a lot of options in the market now for American hybrids and alternative fuel vehicles. It was explained that part of the education and outreach component is to make the Bay Area the magnet market for bringing in the curriculum, professors, teachers and leaders to make this the nucleus of the nation for making this the cutting edge on education for clean vehicles and alternative vehicles. Commissioner King stated that the Hunters Point Shipyard is still looking for research and development ideas and that there is a lot of space there. Commissioner King asked that the Shipyard be considered as a potential location. Commissioner King also recommended providing more service capability of alternative vehicles in San Francisco in order to bring in more revenue for the city.

Commissioner Wald asked when a response would be received on the stimulus fund package. Mr. Broomhead reported that for the energy block grant money, the proposal should be submitted in the next ten days. The Department of Energy would have to review about 2500 applications all of which are due by the end of June. It is projected that there would be an answer on the energy block grant and the vehicle proposal by October or November. It was explained that approvals have to be received from the Department of Energy, then checks have to arrive, then an accept and expend resolution has to be approved by the Board of Supervisors, a review would have to be done by the Budget Analyst, and once that is all in place, people would have to be hired to put the programs in place. Commissioner Wald asked whether anything could be started in advance. Mr. Broomhead reported that on the boiler retrofit program, discussions with building owners can be held now to find out what levels they are interested in, reviewing calculations, and putting together the curriculum for the home assessment community resilience assessment.

8. **Commission Questionnaire to Solicit Legislative Ideas from Environmental Organizations.** Sponsor: Commissioner Jane Martin, Staff Speaker: Mark Westlund, Program Outreach Manager (Explanatory Document: Questionnaire (Word) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/OutreachLetterDraft.doc>) (Discussion)

Vice President Gravanis announced that Commissioner Martin, the sponsor of this item, had to leave the meeting at 6:30 p.m. and requested that this item be referred back to the Policy Committee for refinement.

Commissioner Wald moved to adjourn, second by Commissioner King without objection. Vice President Gravanis announced that written reports had been provided for review on Items 11-12.

9. **Operations Committee Report.** (Information and Discussion)
Chair's Report: Report on the April 15, 2009 Meeting and review of the agenda for the upcoming meeting of July 15, 2009 at 5:00 p.m., to be held at the Department of the Environment Eco Center. No report was given at this time.

10. Policy Committee Report. (Information and Discussion)

Chairs Report: Highlights of the April 13 and May 11, 2009 meetings and review of the agenda for the June 8, 2009 meeting to be held at City Hall, Room 421. No report was given at this time.

11. Commission Secretary's Report. (Explanatory Document: Commission Secretary's Report (Word))

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/CommissionSecretaryReport052609.doc>
(Information and Discussion)

Monica Fish, Commission Secretary

- Communications and Correspondence
- Update on Pending City Legislation

No verbal report was given at this time. Commissioners were asked to review the written report.

12. Director's Report. (Explanatory Document: Director's Report (Word))

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/DirectorsReportMay2009.doc> (Information and Discussion)

Updates on Department of the Environment administrative and programmatic operations relating to Budget Planning, Strategic Planning, Clean Air, Climate Division, Outreach and Education Division, Environmental Justice Division, Zero Waste, Toxics Reduction Program, and the Urban Forestry Division.

No verbal report was given at this time. Commissioners were asked to review the written report.

13. Announcements. (Information and Discussion) There were no announcements made at this time.

14. President's Announcements. (Information and Discussion) There were no announcements made at this time.

15. New Business/Future Agenda Items. (Information, Discussion and Possible Action). No new business or future agenda items were heard at this time.

16. Public Comments: Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. There was no public comment at this time.

17. Adjournment. The Commission on the Environment meeting adjourned at 7:49 p.m.

*** Copies of explanatory documents are available at (1) the Commission's office, 11 Grove Street, San Francisco, California between the hours of 9 a.m. and 5 p.m., (2) on the Commission's website at http://sfgov.org/site/sfenvironment_meeting.asp?id=61004; (3) by clicking on the links by each agenda item above, (4) upon request to the Commission Secretary, at telephone number 415-355-3709, or (5) via e-mail at Monica.Fish@sfgov.org within three business days of a meeting.*

Explanatory documents that are received after posting of this agenda are available on the website or upon request to the Commission Secretary at the contact information listed above.

Respectfully submitted by,
Monica Fish, Commission Secretary
TEL: (415) 355-3709
FAX: (415) 554-6393

Approved:

The City and County of San Francisco

Certificate of Honor

Presented To

DARIAN RODRIGUEZ HEYMAN

JUNE 15, 2009

WHEREAS, on behalf of the City and County of San Francisco, I am pleased to recognize and honor Darian Rodriguez Heyman for his two years of service on the Mayor's Commission for the Environment in San Francisco. I commend you for your work toward creating positive change in the world, whether as a Commissioner, Executive Director of Craigslist Foundation, or member of the Board of Directors on Project Ahimsa. Your dedicated community service and commitment to advancing greater environmental stewardship and responsibility is praiseworthy. Congratulations and best of luck in all your future endeavors.

*THEREFORE, I have hereunto set my
hand and caused the Seal of the City and
County of San Francisco to be affixed.*

*Gavin Newsom
Mayor*



1 [Commending Commissioner Darian Rodriguez Heyman]

2
3 Resolution commanding Commissioner Darian Rodriguez Heyman for his
4 service on the San Francisco Commission on the Environment.

5 WHEREAS, Commissioner Darian Rodriguez Heyman has served on the
6 San Francisco Commission on the Environment since July 12, 2007 when he
7 was appointed by Mayor Gavin Newsom; and

8 WHEREAS, Commissioner Darian Rodriguez Heyman served on the
9 Commission on the Environment's Operations Committee since July 24, 2007
10 and as Operations Committee Chair since April 16, 2008; and

11 WHEREAS, Commissioner Darian Rodriguez Heyman has dedicated his
12 service to the Commission from July 2007 to May 2009 and the Commission and
13 the Department of the Environment would like to extend a commendation for his
14 outstanding service and dedication; and

15 WHEREAS, The Commission on the Environment and the Department of
16 the Environment are appreciative of the work that Commissioner Darian
17 Rodriguez Heyman performed; now therefore, be it

18 RESOLVED, That the San Francisco Commission on the Environment
19 and the Department of the Environment wish Honorable Commissioner Darian
20 Rodriguez Heyman the very best in his future endeavors.

21 *I hereby certify that this Resolution was adopted by the Commission on the Environment
22 at its meeting on July 28, 2009.*

1

2 *Monica Fish, Commission Secretary*

3 Vote:

4 Ayes:

5 Noes:

6 Absent:

Y

1 [Prioritize the Completion of the Urban Forest Master Plan]

2
3 Approval of Resolution urging the San Francisco Planning Department to
4 Prioritize the Completion of the Urban Forest Plan and Identify and Expedite
5 Funding for Key Portions of the Plan.

6 WHEREAS, San Francisco's urban forest is comprised of both publicly
7 owned and privately owned trees, and;

8 WHEREAS, Management of San Francisco's publicly owned trees is
9 divided among many stakeholders, included private property owners, and;

10 WHEREAS, Trees positively affect the mental and physical health¹ as well
11 as the safety of urban residents², and;

12 WHEREAS, trees can increase revenues in shopping district by as much as
13 12%³, and;

14 WHEREAS, San Francisco's urban forest has a structural value of \$1.7
15 billion⁴, and;

16 WHEREAS, San Francisco's urban forest annually provides the city with
17 \$4.4 million in hydrological benefits⁵, \$1.3 million in removal of airborne
18 pollutants, \$95K in carbon sequestration benefits, and \$3.6 million in total carbon
19 storage⁶, and;

¹ Urban Nature Benefits: Psycho-Social Dimensions of People and Plants, *Center for Urban Horticulture, University of Washington*, [<http://www.naturewithin.info/UF/PsychBens-FS1.pdf>]

² The Intersection of Trees and Safety, *Landscape Architecture*, [<http://www.naturewithin.info/Roadside/Tree&Driver ITE.pdf>]

³ Trees are worth downtown's investment, *Downtown Idea Exchange*, [<http://www.naturewithin.info/CityBiz/DowntownExchange.pdf>]

⁴ San Francisco Urban Forest Effect Model, *USDA Forest Service*, [<http://www.sfrnvironment.org/downloads/library/sfurforefinal.pdf>]

⁵ San Francisco Bay Area State of the Urban Forest Report Final, *Center for Urban Forest Research, USDA Forest Service*, [http://www.fs.fed.us/psw/programs/cufr/products/2/psw_cufr719_SFBay.pdf]

⁶ San Francisco Urban Forest Effect Model, *USDA Forest Service*, [<http://www.sfrnvironment.org/downloads/library/sfurforefinal.pdf>]

1 WHEREAS, The fragmented management of San Francisco's urban forest
2 has led to overall uncoordinated planning and inconsistent care and negligence,
3 and;

4 WHEREAS, The inconsistencies in urban forest management have led to
5 costly inefficiencies as well as negatively affecting the health of the city's trees
6 and the benefits derived from them, and;

7 WHEREAS, The Urban Forestry Council is charged with creating and
8 updating an city-wide urban forestry management plan, and;

9 WHEREAS, The Planning Department expressed interest to the Urban
10 Forestry Council in refining and further developing the existing Urban Forest
11 Plan, and;

12 WHEREAS, The Urban Forestry Council passed Resolution No. 006-07-
13 UFC supporting the Planning Department's efforts to create a unified Urban
14 Forest Plan to incorporate into the City's General Plan, and;

15 WHEREAS, The Planning Department accordingly gained permission
16 from the Board of Supervisors to dedicate \$200,000 from their agency budget to
17 hire a consultant team to complete the Urban Forest Master Plan, and;

18 WHEREAS, Work that began was subsequently halted due to unforeseen
19 budgetary constraints, and;

20 WHEREAS, The Commission on the Environment believes completion of
21 this work is vital to the long-term health and sustainability of not only the urban
22 forest, but also the overall urban health and sustainability of the City as a whole,
23 now therefore, be it

24 RESOLVED, The Commission urges the Planning Department to place
25 the highest priority on the completion of the Urban Forest Plan; and be it further,

1 RESOLVED, The Commission urges the Planning Department to review
2 the work scope and identify key portions of the Plan that can be completed by
3 existing staff, and be it further,

4 RESOLVED, The Commission urges the Planning Department to expedite
5 the completion of key portions of the plan by dedicating staff time to the plan as
6 well as funding as it become available; and be it further,

7 RESOLVED, The Commission urges the Planning Department and other
8 agencies to do the necessary economic analysis of having one agency take over
9 the maintenance of all publicly owned trees, including street trees.

10 I hereby certify that this Resolution was approved at the Commission on
11 the Environment's Meeting on July 28, 2009.

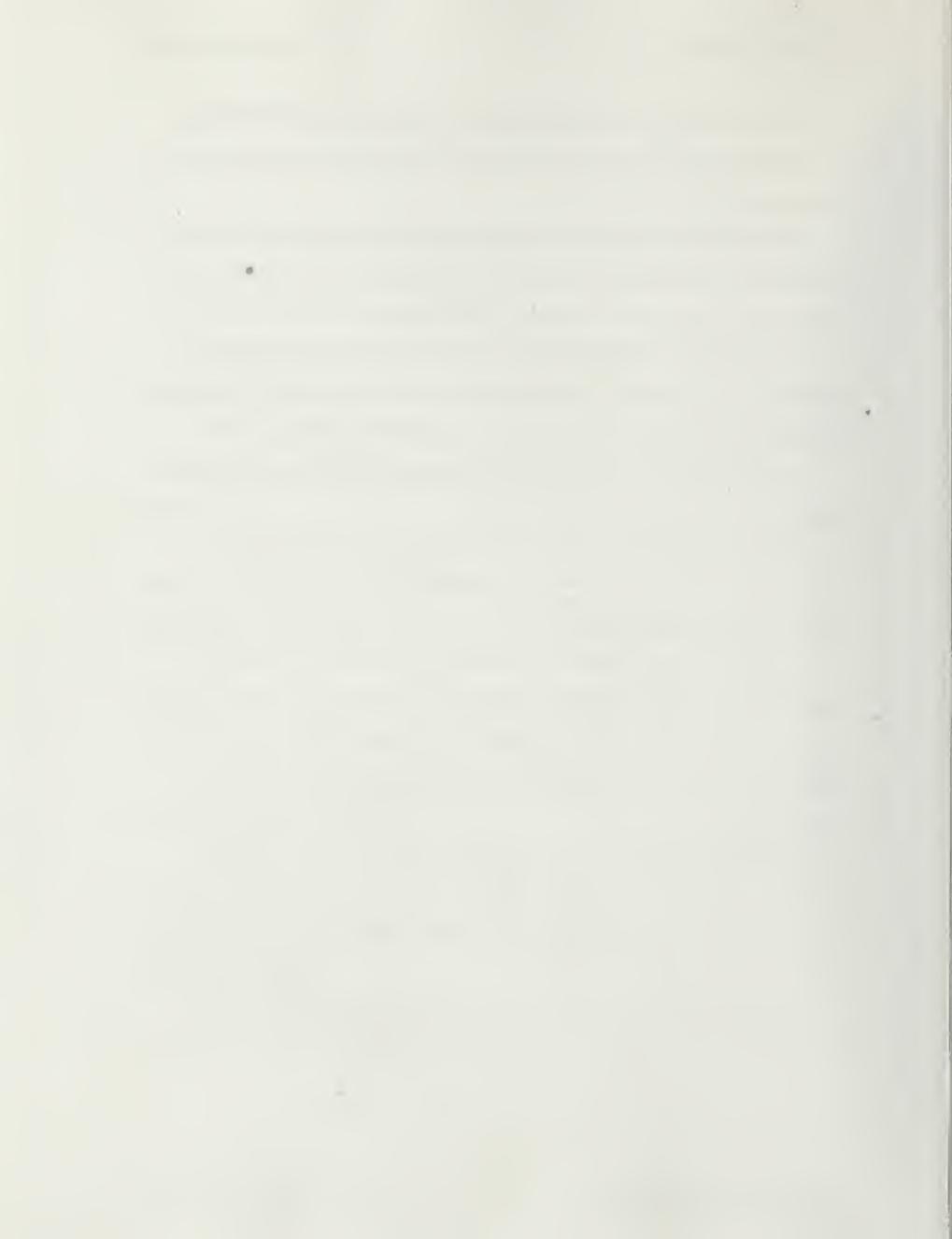
12
13 _____
14 *Monica Fish, Commission Secretary*

15
16 Vote: Approved (0-0) (0 Absent)

17 Ayes:

18 Noes:

19 Absent:



Letter to Environmental Groups
DRAFT

Dear xxx,

The San Francisco Commission on the Environment is seeking input from locally active environmental groups regarding ways that the Commission can be more effective and responsive to constituents' environmental concerns, especially by identifying issues and actions in which you would like the Commission take a more active role.

It would be helpful to receive your response within ten days, but comments are always welcome.

Commission on the Environment Background

According to the City Charter, the Commission on the Environment shall consist of seven members appointed by the Mayor. The Commission makes environmental policy recommendations to San Francisco's Mayor and Board of Supervisors, and has the authority to review and make recommendations on any policy proposed for adoption by any City agency regarding conformity with the long-term plans for environmental sustainability, except for those regarding building and land use.

The commission meets on the fourth Tuesday of January, March, May, July, September, and November at 5:00 P.M., unless otherwise noted, at City Hall.

Current Activities

Because the Department of the Environment receives no General Fund money, its activities depend on grants and fees, including refuse rates and the California Public Goods Charge for energy efficiency and renewable energy. It is currently funded and staffed to work within the following priority areas:

- Zero Waste (recycling, composting, waste reduction)
- Toxics Reduction and Integrated Pest Management
- Environmental Justice and Green Jobs
- Energy Efficiency and Renewable Energy
- Transportation Demand Management and Alternative Fuels
- Climate Change
- Urban Forestry
- Green Building

Commission Accomplishments

Recently the Commission has focused on, among other issues, mandatory recycling legislation, green building requirements, solar incentives, a carbon tax proposal, as well as promoting green collar jobs and locally grown organic food.

The Commission customarily voices its policy recommendations by adopting resolutions that are then passed along to the Mayor and Board of Supervisors, who may act upon the recommendations by proposing new legislation. Commission resolutions that have informed San Francisco's public policy include: regulating plastic checkout bags, developing aggressive greenhouse emissions reduction and recycling goals, instituting environmentally preferable purchasing, battery recycling, and more.

Commission resolutions are a critical tool in advancing San Francisco's environmental agenda, and we are looking for your input to improve our effectiveness.

The Environment Commission also has two standing subcommittees. The Policy Committee reviews projects such as the Hunters Point Shipyard redevelopment (4th Monday, 5 pm, City Hall room 421), and the Operations Committee (third Wednesday of January, April, July, and October, 5:00 pm, at 11 Grove Street) reviews Commission procedures and budgets.

Commission on the Environment Survey

Organization Name

Summarize your organization's mission statement:

Your Name:

Website:

Phone number:

Email address:

We would like to hear the views of your organization. Please provide succinct suggestions you may have regarding:

- general environmental areas of concern that need more attention
- specific problems to be solved
- legislation to be introduced
- efforts currently underway that need support.
- ways the Commission can be more relevant to your organization's priorities.

Survey questions

1) Was your organization previously aware of the Commission on the Environment?

2) Has your group been represented at any Commission meetings?

If so, on what topic(s)? Tell us about the experience.

3) Has your group worked with Department of the Environment on any projects?

If so, please elaborate.

4) Have you ever visited the department's website? (www.sfenvironment.org)

Do you have any comments or suggestions for making it more useful?

5) Recently, public attendance at full Commission meetings and Committee Commission meetings has been low. This is not necessarily a problem, but we'd like your thoughts as to why:

- The Commission is doing great work; there's no reason for us to be involved.
- The agendas aren't relevant to us.
- No one sees the agendas or knows about the meetings.
- The meetings are held at inconvenient times/location.
- No one from our group is available to go to meetings.
- Other. Please describe:

6) Besides speaking at meetings, you can provide input to the Commission by letter, email or telephone. Are there other ways you'd like to be able to weigh in on issues?

7) Would you like to have a representative of the Commission attend a meeting of your organization to discuss ways to work together?

8) Any other comments, questions, suggestions?

Thank you. We very much appreciate your time.

For additional information about the Commission, and for meeting agendas, go to sfenvironment.org and click on the “Commission” listing at the bottom of “quick links.” (or if emailed, make link to http://www.sfenvironment.org/our_policies/overview.html?ssi=10)

To receive email notices of future meetings and the monthly E-newsletter, please list below all email addresses that should receive notification.

Please email this completed survey to Monica Fish, Commission Secretary,
Monica.Fish@sfgov.org by _____, 2009.

CITY AND COUNTY OF SAN FRANCISCO
COMMISSION ON THE ENVIRONMENT

GOVERNMENT
DOCUMENTS DEPT

REGULAR MEETING
DRAFT MINUTES

AUG 14 2009

TUESDAY, JULY 28, 2009, 5:00 P.M.
CITY HALL, ROOM 416, SAN FRANCISCO, CA 94102

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7/18/09
dat 1
COMMISSION MEMBERS: Commissioners Paul Pelosi Jr. (President), Ruth Gravanis (Vice-President), Angelo King, Jane MarieFrancis Martin, Alan Mok, Matt Tuchow, Johanna Wald

ORDER OF BUSINESS

Public comment will be taken before the Commission takes action on any item.

1. **Call to Order and Roll Call.** The Commission on the Environment Meeting was called to order at 5:10 p.m. Present: President Pelosi Jr. (6:00), Vice-President Gravanis, Commissioners King (5:15), Martin, Mok and Tuchow. Excused: Commissioner Wald.
2. **Adoption of Minutes of the May 26, 2009 Commission Regular Meeting.** (Discussion and Action) Upon Motion by Commissioner Martin and second by Commissioner Mok, the May 26, 2009 Commission Meeting Minutes were approved without objection (AYES: Vice-President Gravanis, Commissioners Martin, Mok and Tuchow; Absent: President Pelosi Jr., Commissioners King and Wald). (Explanatory Document: May 26, 2009 Approved Minutes http://sfgov.org/site/sfenvironment_page.asp?id=105955)
3. **Public Comments:** Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. There was no public comment at this time.

4. **Presentation of Mayoral Certificate of Honor for Commissioner Emeritus Darian Rodriguez Heyman and Approval of Commission Resolution File No. 2009-03-COE commanding Commissioner Emeritus Darian Rodriguez Heyman for his Service on the Commission on the Environment.** Speaker: Vice-President Gravanis (Discussion and Action) (Explanatory Documents: Certificate of Honor (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/CertificateofHonor.pdf> and Approved Resolution No. 003-09-COE (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/Res003-09-COECCommissionerRodriguezHeyman.pdf>)

Upon Motion by Commissioner Tuchow and second by Commissioner Mok, Resolution File 003-09-COE commanding Commissioner Emeritus Darian Rodriguez Heyman for his service to the Commission on the Environment was approved without objection (AYES: Vice-President Gravanis, Commissioners Martin, Mok and Tuchow; Absent: President Pelosi Jr., Commissioners King and Wald). Vice-President Gravanis presented the Mayoral Certificate of Honor to Commissioner Emeritus Darian Rodriguez Heyman who was present to accept the Certificate.

5. **Approval of Resolution urging the San Francisco Planning Department to Prioritize the Completion of the Urban Forest Plan and Identify and Expedite Funding for Key Portions of the Plan.** Sponsor: Commissioner Jane MarieFrancis Martin; Speaker: David Alumbaugh, San Francisco Planning Department (Explanatory Document: Resolution File No. 2009-04-COE (Word) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/Resolution2009-04-COEPriorizeUrbanForestPlan.doc>) (Discussion and Action)

Commissioner Martin reported that Mr. Andres Power of the Planning Department at the request of Policy Committee members attended the July 13 Policy Committee meeting to report on the status of the revision to the Urban Forest Master Plan. It was explained that funding was cut for continued work on this Plan because of the

current budget situation, and there is no current plan for restoring funding. The Committee, recognizing the environmental benefits of a solid Urban Forest Master Plan, strategized ways to select key elements that can be completed by staff instead of the initial idea to complete it through consultant contracts. Commissioner Martin stated that before the budget shortfall, the Supervisors had dedicated \$200,000 to this project, \$85,000 of which was spent, leaving \$115,000 of work remaining. There was just shy of enough work completed to capture a good data analysis. It was learned that San Francisco's publicly-owned trees are divided among many stakeholders that include City agencies consisting of the Port, San Francisco Unified School District (SFUSD), Department of Public Works (DPW), Recreation and Park Department, etc. and also includes private property owners. Street trees in most cases are owned publicly but are maintained by private citizens - owners of adjacent properties, which results in uneven treatment of the urban forest. Commissioner Martin explained that an effort is being made to better understand the Master Plan and what it seeks to achieve in order to encourage others to help restore efforts to work on the Plan. Mr. David Alumbaugh of the Planning Department was introduced to discuss the current status of the Plan.

Mr. Alumbaugh stated that there is frustration on the part of Planning Department staff that work on the Urban Forest Plan cannot continue because of the current budget situation. It was agreed some years ago that there is a need to work on the Urban Forest Plan, so it was added to the budget last year. When the budget crisis happened, it was obvious that the Planning Department's consultant funding budget had to be reduced so the project was terminated before the first phase was available. Mr. Alumbaugh stated that the importance of this work can't be understated and is very well laid out in the Resolution. It was explained that the Planning Department is including the work of planning for a robust urban forest with other work efforts wherever possible and cited the Better Streets Plan as an example.

Commissioner Tuchow asked if there were private or foundation funds that are being sought to pursue completion of the Plan and whether there was anything the Commissioners could do to make sure work progresses. Mr. Alumbaugh stated that staff is just finding out now what the budget actions of the Board of Supervisors are and are turning attention to that. The potential for grant funding or partner funding has not been explored. It was stated that it is frustrating that \$120,000 could have completed the consultant work to produce what is believed to be a robust urban forest plan, but funds are not available. Mr. Alumbaugh stated that the Commission's Resolution discusses the possibility of City staff working on the Plan, which he will review and then report back to the Commission. It was explained that work would primarily encompass an economic analysis about how to better manage the urban forest. Mr. Alumbaugh stated that he would review the cost of completing an economic analysis and determine whether staff could complete this effort.

Public Comment: Mr. Terry Milne, Chair, Urban Forestry Council, reported that he has been working on the Urban Forest Plan for the past three to five years. Consultants have been called in to do surveys and money has been expended before the Plan was turned over to the Planning Department. Mr. Milne stated that he believes the problem with the urban forest is a result of the different departments that handle trees in the city. It is hoped that that this Urban Forest Plan can ultimately end up in the City's General Plan that is more enforceable and not just a policy document that is put on a shelf. The Supervisors and Planning Commissioners would then have a say about issues that may disrupt City policy in regard to its urban forest. It was explained that other people who are interested in the urban forest are also frustrated that the Plan is not moving forward. The Commission was urged to approve the Resolution and move it forward to the Planning Department.

Upon Motion by Commissioner Tuchow and second by Commissioner Mok, Resolution 004-09-COE urging the Planning Department to prioritize the completion of the Urban Forest Plan and identify and expedite funding for key portions of the Plan was approved without objection. (AYES: Vice-President Gravanis, Commissioners King, Martin, Mok and Tuchow; Absent: President Pelosi Jr. and Commissioner Wald) (Explanatory Document: Approved Resolution No. 004-09-COE (PDF) http://sfgov.org/site/uploadedfiles/sfenvironment_meetings/coe/supporting/2009_Res004-09-COEprioritizeUrbanForestPlan.pdf)

6. Mandatory Recycling and Composting Ordinance Implementation Update. Sponsor: David Assmann, Deputy Director; Staff Speakers: Jack Macy, Commercial Zero Waste Coordinator and Jean Walsh, Outreach Specialist (Informational Report and Discussion)

Deputy Director Assmann reported that the Ordinance is a momentous step forward and is unprecedented nationwide to have a mandatory recycling and composting ordinance in place. Mr. Macy reported that the Mandatory Recycling and Composting Ordinance otherwise known as the Universal Recycling and Composting Ordinance is landmark legislation that for the first time anywhere requires that everybody participate in composting food scraps. As a result of this Ordinance, everyone has to participate in composting and recycling throughout the city. This legislation was signed by the Mayor on June 23rd at a well-attended press event at the Ferry Building Farmers Market, which is a model participant in the program diverting over 90%. It was explained that the Department has spent over a year working on the Ordinance with a lot of stakeholder input, and a lot of stakeholders participated in the press event. As a result of the press event and outreach in this area, a significant impact has already been seen particularly in the area of composting, where improvement is needed the most. There has been a 15% increase in the amount of tonnage diverted in the composting program. Also seen is a ten-fold increase in green cart distribution and more people are joining the program, particularly multi-tenant properties, which is the top priority in terms of outreach into joining the program.

Mr. Macy reported that three sector areas are being targeted, City government, residential, and commercial, where a lot of work is being accomplished in terms of outreach and assistance. The goal is to have full City department compliance when this ordinance is in effect on October 21st, which is 120 days after the Mayor has signed. There is three months to get as much compliance as possible. Right now 91% of all City departments have recycling, but almost half don't have composting. The larger compost generators, e.g., hospitals and Recreation and Park Department are already in the program, but there is a big push for City departments to serve as a model for the rest of the city. Recently, a commitment was received from the Department of Real Estate that they would have all of their facilities/properties fully in compliance.

Mr. Macy reported that there has been tremendous progress in the residential area. The priority now is to target apartment buildings. There is pretty good compliance among single-family units, and will increase with the outreach that will be done. It was explained that 97% of apartment buildings have recycling, but only 30% have composting, which means there are about 7000 buildings that are needed to join the composting program. There is an aggressive effort being made that might take more than three months to accomplish. A lot of breakthroughs are being made, particularly within the large complexes, where the largest apartment complex in the city, Park Merced, is on the program. A lot of large properties, including Citi Apartments, Trinity, and Lamar Group, for example, are on the program, and work is in progress with the two largest property management associations, the Coalition for Better Housing and Professional Property Managers Association (PPMA). Mr. Macy stated that he feels good about what is being done on the residential side and tremendous headways are being made.

Mr. Macy stated that a lot of outreach and work is being done on the commercial side through organizations such as the Building Owners and Managers Association (BOMA) and other business associations. The big challenge is to influence multi-tenant properties not only to recycle, as there is wide spread participation in recycling, but to add composting. The news that is being relayed is that this Ordinance is simple, clear, universal, everybody participates, and on-site assistance can be provided if needed. A team of consultants has been out in the field for several years and they will continue. Staff is also working closely with Recology staff and confident that tremendous headway can be made to influence all of these properties to join. It will be seen how quickly full compliance can be reached. The Ordinance provides a tremendous tool that was not available before. Discussions were previously held about savings that could be achievable on trash bills, how the program is easy, and there is free assistance, but now it is the law and that will influence people quicker.

Mr. Macy stated that the Department of the Environment is working with other City departments that include the Department of Public Health (DPH) and Department of Public Works on Ordinance enforcement. Both departments

have new powers, particularly DPH, who now has the ability to levy commercial liens if a commercial property does not pay for adequate service. Mr. Macy stated that he is excited about how this Ordinance will help the City reach 75% diversion and zero waste.

Ms. Jean Walsh, Department of the Environment Outreach Specialist, described outreach efforts to educate the public on the Universal Recycling and Composting Ordinance. Outreach efforts will include a mailing to Norcal customers, all 150,000 residential customers, approximately 15,000 commercial and approximately 20,000 multi-tenant apartment buildings. The Department of the Environment is also sending a mailer of its new recycling and composting guide in October, about the same time the Ordinance will take effect, which will include information about the new Ordinance. Neighborhood door-to-door grassroots outreach will be in progress to businesses and apartments that will include a team of volunteers that go out every Wednesday and deliver green pails and talk to residents. The Department will update their website with information and Norcal has done the same. The Department also sent Information via their e-newsletter, and Norcal would be providing a hard copy newsletter to all of their customers. Ms. Walsh stated that Mr. Macy had previously discussed the other partnership building efforts that are underway with BOMA and some of the apartment associations.

Commissioner Martin discussed the Commission's 2008 retreat focus on green jobs and how this Ordinance could provide opportunities for this type of endeavor. It was recommended that either the Department or another entity could create a business model for cleaning green bins at a nominal fee. Commissioner Martin stated that she has found that people don't want to compost because it is dirty and after the collection it remains dirty, so it is difficult for people and they don't have the space or ability to do the cleaning of the bins. Commissioner Martin stated that she had contacted Sunset Scavenger, who indicated that they were not providing this service. Mr. Macy stated that that effort is being accomplished to some extent in Europe and there is a company in Colorado that drives around and does on site washing on their truck as opposed to taking the cart back to the facility to clean. It was explained that Sunset Scavenger and Golden Gate Disposal have a washing service but it is more expensive because they take the cart back to their central facility. The program that is being recommended would involve having specialized trucks washing on site. There was some interest expressed, but the companies were not quite ready to offer this type of service partly because of the business plan involved. This is a good time to revisit this service because there is such a bigger push for composting. Commissioner Martin recommended offering the service once a month or on an on-call basis.

Commissioner Tuchow inquired whether there was a grace period for people to learn about the Ordinance before enforcement. Mr. Macy stated that multiple warnings would be issued, and that fines would be issued as a last resort and would not exceed \$100 for residents and small generators that have less than a cubic yard of service per week. The Ordinance is seen as an outreach tool that would serve as an opportunity for providing all of the assistance necessary for everyone to comply. The enforcement priority is to make sure that multi-tenant property managers/owners provide the service so their tenants can participate. Most calls are from residential apartment dwellers that do not have recycling or composting in their building or from commercial tenants. The concern expressed by apartment associations and businesses was if they set up a program and tenants did not participate properly. The Ordinance addresses property manager responsibilities, which includes the requirement for setting up the program with the appropriate number and size and location of containers and provide basic level of education to tenants. If that is done, they won't be fined if people did not sort properly. The Ordinance states that after July 2011, the potential penalties for mixing for multi-tenants would be revisited, and the intent is to do this through the rate-setting process, so there will be a higher rate for people that don't sort their trash properly.

Commissioner Tuchow inquired which agencies would serve as the enforcement vehicle. Mr. Macy stated that the Department of Public Health and the Department of Public Works would ensure that basic adequate service is provided, and the Department of the Environment would play the most active role, particularly to make sure that multi-tenant properties institute adequate programs. The three departments would be working together and sharing resources.

Commissioner King asked that all fines that are issued be tracked and the Commission apprised of where they are applied. Commissioner King expressed his concern that people are using fines as another revenue source for shortfalls, which he is opposed to. It was stated that fines are to change behaviors and encourage folks to participate in a program, but not to find ways to fill existing gaps. Commissioner King stated that it is becoming a very expensive time to live here and that we don't want to unintentionally give people a tool to finance future revenue shortfalls. An example given was the increase in downtown parking meters and fines.

Vice-President Gravanis congratulated all staff that worked on the Ordinance.

7. Department of the Environment's Landfill Search Update. Staff Sponsor and Speaker: David Assmann, Deputy Director (Informational Report and Discussion)

Deputy Director Assmann reported that the Department embarked on the landfill search process about two years ago and held a series of public meetings. After the meetings were held, a policy document was established to outline what considerations there should be as part of this process. A Request for Qualifications (RFQ) was issued and sent to every landfill that was registered with the California Integrated Waste Management Board in the state. Applications were received from three firms, which were all deemed to be qualified to bid.

Deputy Director Assmann reported that it is expected that San Francisco would run out of landfill capacity in approximately 2014 and maybe as late as 2015 depending on whether disposal numbers continue to go down at the current rate. It is projected that additional capacity will be needed in approximately 2014. San Francisco's disposal has dropped dramatically to about 450,000 tons annually. At this rate, we will be below 400,000 tons in the future and should keep going down beyond that. The RFQ asks for five million tons or capacity until 2025, whichever comes first. Three qualified responses were received. A Request for Proposals (RFP) was then issued and a mandatory pre-bid conference was held. One of the firms did not attend the conference so was disqualified as a result. The first round of interviews with the two finalists had been held, and a recommendation will be made this fall to the Board of Supervisors, who has the ultimate authority over the landfill contract. The Board of Supervisors will refer the recommendation to a Board of Supervisors Committee for approval and then it would be heard at the full Board.

Deputy Director Assmann stated that preliminary negotiations will be held with the winning firm prior to the Board of Supervisors hearing, and then final negotiations will be held after the Board of Supervisors has made their determination. It is anticipated that the entire process of selecting a finalist and negotiating a contract would be completed in the winter of 2010. That would allow for three to four years before the contract has to be in place. Additional details would be provided to the Commission once a report is ready to send to the Board of Supervisors.

Commissioner Martin inquired about the location of the two finalists. Deputy Director Assmann reported that one finalist is the Altamont Landfill, which is the current landfill, and the other is the Ostrom Road landfill which is near Marysville. One is owned by Waste Management and the other is owned by Recology, which is the new name for Norcal. Commissioner Martin inquired why a contract is being negotiated for landfill until 2025 if San Francisco is supposed to reach zero waste by 2020. Deputy Director Assmann stated that the agreement will be for five million tons of landfill and is being set up as a tiered rate so if less is disposed there is a lower rate, and more would be a higher rate. All plans are assuming that San Francisco follows a straight line down to zero waste by 2020.

8. Approval of Commission Questionnaire to Solicit Legislative Ideas from Environmental Organizations.
Sponsors: Vice President Gravanis and Commissioner Jane Martin, Staff Speaker: Jean Walsh, Outreach Specialist (Explanatory Document: Questionnaire (Word))
<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/Surveyforenvirogroups.doc>
(Discussion and Action)

Vice President Gravanis reported that the Policy Committee has been discussing how to strategically increase public involvement in the activities of the Commission and the Department. One of the first steps agreed to would be to

survey active local environmental organizations to determine why there isn't more participation. A questionnaire in the packet was drafted for this purpose.

Ms. Jean Walsh, Outreach Specialist, was present to accept comments on the draft and move forward with sending the survey to environmental groups. Deputy Director Assmann recommended inviting the prominent city environmental organizations to the Commission retreat or future meeting to brainstorm how the Commission could be more interactive with environmental organizations. It was stated that there would be groups that may respond to the questionnaire, but many would not. Setting up a situation with interaction on a one-to-one basis either through a separate meeting or retreat would be more likely to generate feedback. Vice-President Gravanis recommended adding a question as to whether there would be interest in attending a Commission retreat in the fall to the questionnaire.

Commissioner Tuchow inquired about the goal of survey. Vice President Gravanis explained that in addition to what was discussed previously, the survey would answer why environmental organizations go directly to Supervisors with environmental legislative ideas and bypass the Commission or Department and would provide education that there is a body that could assist in this effort. Vice President Gravanis reported that she had recently attended a meeting of the San Francisco Tomorrow Board of Directors, and that half of the Board members had not heard of the Commission, but there were members that had previously worked with Department staff on a number of issues throughout the years. The questionnaire would begin the effort of making the Commission better known throughout the environmental community.

Commissioner Martin reported that the Bylaws state that one of the charges of the Commission is to conduct outreach, which this questionnaire would apply to. The intent is to approach environmental organizations to provide awareness that there is a Commission and Department of Environment and solicit specific ideas so that the Commission is reflecting the interests and needs of the community at large.

Commissioner Tuchow inquired whether the Department's outreach program already provides this type of service to environmental organizations. Vice President Gravanis stated that the Department has an outreach program but has not targeted environmental organizations to inquire about what they are working on and how work efforts can be joined. Ms. Walsh explained that the Department has partnered with various environmental organizations on an as needed basis issue by issue, but has never reached out broadly and asked these questions. Deputy Director Assmann stated that each program area deals with organizations that have interests that align with their program areas, but have not approached groups with an inquiry about the types of issues they think the Department and Commission should be working on. It is valuable to have this type of input. Deputy Director Assmann reported that environmental groups have said to him that the Commission is so progressive, they don't need to come to the Commission, but do not see the Commission as an ally for pushing legislation through.

Commissioner King stated that it may be too much of a burden for people to work a full day and then attend an additional meeting. Commissioner King discussed the correlation between the community's meeting attendance at various City Commissions and interest in topics that include listening to complaints or issuing funding for programs. It was stated that the Commission often times does not see the projects that grant funding is being issued for. It was recommended that the Commission also consider the passionate fights that community members are advocating for as future topics of discussion. It was explained that in the Bayview community, the Precautionary Principle is quoted quite a bit, but yet community members never attend Commission meetings. It was recommended that the Commission spend time on educating the community on what the Commission safeguards and provides oversight to.

Commissioner Martin stated that this questionnaire would not only invite groups to provide input and to attend meetings, but advise them that there are other ways to work with Commissioners and staff. Commissioner Martin recommended that (1) the cover letter reference that Commission meetings are held in Room 416, City Hall; (2) that a specific date be added indicating when the questionnaire is sent out; (3) to add a date when responses should be received; and (4) the cover letter should appear in the text of the email with a link to the survey that can be filled out online with an option to send an email to staff requesting a printed copy. Vice Chair Gravanis indicated that she

would assist in providing a list of environmental groups to send the survey to. Commissioner Tuchow recommended rewording the section where it states "recently public attendance has been low..." to "if you haven't attended a Commission meeting, could you indicate why" and asked that the section on "we would like to hear your views on the organization" be moved into the body of the survey.

- 9. Approval of Integrated Pest Management (IPM) Report for 2006-2007.** Speakers: Chris Geiger, Ph.D., IPM Program Manager, Department of the Environment and Ralph Montana, IPM Coordinator, Recreation and Park Department (Explanatory Document: 2006-07 IPM Report (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/FinalIPMAnnRpt2006-07VER4p4amended.pdf>) (Informational Report, Discussion and Action)

Dr. Geiger reported that the Calendar Year 2006-07 report is being provided in 2009 because of ongoing database problems converting to a web-enabled pesticide-use reporting system. It was explained that San Francisco is one of the few cities requiring its employees to report pesticide use and the previous system was taking over hundreds of staff hours. The 2008 data should be presented in a shorter time than it took to provide 2006-07 as database problems are being resolved.

Dr. Geiger reported on good news as far as pesticide use trends and referred to the numbers located in the summary of statistics on page 11 of the report. It was explained that pounds of pesticide products used has been reduced by 88% since the beginning of the report period, and the active ingredient that is in the pesticide product has been reduced by 83%. Since the last report was issued, it has continued to decrease in most products, except there was a 4% increase in Tier 1 products, which is the highest hazard pesticide used. Much of that increase can be attributed to herbicide used on golf courses, some emergency applications on palm trees, and other uses that tend to fluctuate year to year. However, the overall statistics have been very good.

Dr. Geiger showed a graph of pounds of products used over the years. In the beginning of the program, there was a big drop the first year when everyone stopped using the herbicides, and then there was deferred maintenance in 1998. It was reported that there was an increase in insecticide and herbicide use for the 2005 golf tournament and an increase in insecticide use for the treatment for mosquitoes due to the West Nile virus. However, most of these applications were of the least hazardous products. It was explained that throughout these reports mosquito and rodenticide treatments are separated out from everything else because they apply to public health hazards and are not discretionary in many cases. The goal is to influence the use of the least hazardous product possible.

Dr. Geiger stated that he has done a lot of reporting on active ingredients this year because it is the most accurate way to portray risks. There has been a huge decrease in usage of herbicide over the years, which can be attributed to City staff that are running these programs and doing the weeding and weed prevention. Fungicide use has also decreased dramatically. Insecticide use has gone up and down and the most hazardous insecticides have been removed from that list during that period. Golf is one of the challenging areas. It was reported that Sharp Park Golf Course is now pesticide free in order to protect the endangered species in the area--the red-legged frog and San Francisco garter snake.

Dr. Geiger reported that lessons learned include the importance of landscape design for determining how much pesticides are used and how well pests are managed. An example given was the planting of palm trees that are not well acclimated in San Francisco and oftentimes require fungicide to keep them alive. Another example given was that even in green LEED-certified buildings, pest contractors have reported that false ceilings are an extra floor for rats, so there should be better design guidelines. Other trends include the importance of staffing and budget. When labor availability is reduced, the pressure to use Roundup and other herbicides is greatly increased. It was stated that there has been a reduction of staff at the Recreation and Park Department, and that Mr. Montana is doing extra work serving as the IPM Coordinator and as most of the IPM staff for the department.

Mr. Ralph Montana reported on the increase of fungicide use at Candlestick Park due to an outbreak last year, and the current use of compost teas in order to reduce future outbreaks and establish a healthier turf. A safer formulation of dry Roundup was being used, which had knocked down liquid usage; however, next year it will be necessary to revert back to the liquid product because the dry product will no longer be produced. Mr. Montana stated that he is looking for grants in order to purchase a steam machine that would help reduce the use of Roundup in parks and squares, specifically for edging and tree basin work and is researching basin crop covers to eliminate Roundup use in tree basins. Mr. Montana reported that Sharp Park and Julius Kahn Park are pesticide free, but the biggest challenge is the golf industry. It was explained that heavy applications of pesticide are used for Harding Park because of the golf tournament and the pressure that it is under as opposed to other golf courses, e.g., Sharp Park, Lincoln, and the nine-hole golf course in Golden Gate Park, which only has one staff member maintaining all nine holes. Mr. Montana reported that the Recreation and Park Department has come a long way from using toxic pesticides to a level-line with small glitches and continues to research and develop new techniques.

Commissioner Martin inquired about the cost for the steam clean machine. Mr. Montana reported that it would cost approximately \$15,000. Commissioner Martin recommended the possibility of tool sharing with other City departments that may already have this machine. Commissioner King acknowledged the efforts of City gardeners in implementing this harm-reduction policy.

Upon Motion by President Pelosi Jr. and second by Commissioner King, the 2006-07 Annual Report was approved without objection (AYES: President Pelosi Jr., Vice-President Gravanis, Commissioners King, Martin, Mok and Tuchow; Absent: Commissioner Wald).

10. San Francisco Carbon Fund Program. Sponsor: David Assmann, Deputy Director; Staff Speaker: Calla Ostrander, Climate Action Coordinator (Informational Report and Discussion)

Ms. Ostrander distributed an informational sheet describing the Carbon Fund program (Explanatory Document: Carbon Fund Program Informational Sheet (PDF))

http://sfgov.org/site/uploadedfiles/sfenvironment_meetings/coe/supporting/2009CarbonKioskCard0409y2.pdf It was reported that the impetus for the local carbon offset program came from Mayor's Directive issued in 2007. The program has been developing over the past two years and is now up and running. There were two major challenges that were faced. One is that it is a major project that was not accomplished anywhere else. There were no offset projects locally that were available and so it was necessary to develop the project ourselves. The second obstacle was financing the project and integrating it into City code, City workings and budgets, which had been accomplished this year. Final approval came through a budget hearing from the Board of Supervisors today, so the fund is actually now in place and ready to receive funds.

Ms. Ostrander provided background on the program. It was explained that the funds that are initially going into the fund are coming from activities that are hard to reduce. We are only looking to offset emissions that can't be mitigated otherwise. Air travel was the perfect place to start and 13% of all money spent in the city on air travel would be going into this fund. It is a fee on air travel to mitigate the climate impacts of what is a highly impactful activity, flying. Funds will also be received for launch of a carbon kiosk program at the San Francisco Airport that is scheduled for August 19. A portion of those funds will be directed to the Department of the Environment. The offsets for that program are primarily from the Garcia River National Forest project, which is a Climate Registry certified project.

Ms. Ostrander explained that the San Francisco Carbon Fund is a portfolio of local carbon offset projects and other carbon mitigation projects that invest in climate protection as well as a variety of other ecosystem services and social benefits that aren't currently valued in the market. Monies are being taken from emission-intensive activities and being invested in activities that will reduce our carbon footprint. The program is local, transparent, and methodologies have been developed for all of the projects and where applicable, the Climate Registry methodologies or the Gold Standard are used for carbon offsets. Where not applicable, we have developed our own methodologies that are highly transparent and are open to the public for review and anyone to comment on. A lot of times people

have concerns about offsets being real, and part of what we are proud of with this program is because we have such vigorous methodologies, because it is local, because it is transparent, we are actually able to show the projects and track the emission reductions that will come from them over time.

Ms. Ostrander reported that the first two projects that are in the fund and being launched are for a local biodiesel waste grease station (Dogpatch Biofuels) and an urban forest program. Dogpatch Biofuels is the first biodiesel fueling station in San Francisco, and the San Francisco carbon fund helped get this local fueling station up and running. People had been previously driving across the bay to purchase biodiesel. The carbon benefits are being counted through the replacement of petro diesel with waste grease biodiesel. That is where the carbon offsets are coming from. The second project is an urban forestry project. It will not only be for carbon, but will have additional benefits from the fruit trees that are planted. That program is being implemented in conjunction with urban tree planting programs that will provide education to community members who receive the trees on how to harvest the fruit, how to gain access to markets, and then how to capture the carbon benefits of planting those new trees here in San Francisco.

Commissioner King asked where the carbon offset portfolio was being pulled from and how to follow it. Ms. Ostrander reported that our own portfolio is being developed and that part of the next steps of this program is to solicit project development ideas from the community. A Request for Qualifications (RFQ) will be issued for community-based projects, e.g., forestry, energy efficiency, solar hot water on low-income homes--specifically projects that would not take place otherwise without this additional funding. The portfolio currently consists of the waste grease biodiesel and the urban trees which are current projects. For tracking purposes, work is in progress to set up a webpage on the Department's website which will list the projects and contain descriptions and pictures. Commissioner King inquired whether credits being taken in already. Ms. Ostrander stated that one of the challenges with creating a commodity carbon offset is that you are not allowed to use the money to finance the project upfront. You are only allowed to give the money to the project once the carbon offset has been produced so it does not violate the financial addditionality clause and other issues surrounding verification for some of the mandatory market standards to provide upfront capital financing.

Ms. Ostrander stated that projects that our community really needs are upfront capital financing. Essentially, they are unable to get off the ground without it, so what we are doing in this case is investing in these projects and providing the upfront capital and are not creating a commodity grade offset (Verified Emission Reductions-VERS) at this point in time. The offsets from the Carbon Fund as it is today would not be acceptable in a mandatory market. So if a business gets regulated by AB32 and they have to meet certain emission reduction requirements and they are allowed to buy some credits, this will not be an appropriate place for them to invest their money because these are not VERS-offsets. Commissioner King asked if this would potentially be limiting in terms of support that can be provided to these eco-friendly carbon-reducing businesses. Ms. Ostrander stated that it would actually give more opportunity to provide support and get money back to the community. This mechanism really allows us to invest in the community in a way that is highly progressive and flexible in terms of municipalities using carbon revenue and investing it locally.

Commissioner Martin asked whether it is possible for a company or private citizen to contribute to the fund. Ms. Ostrander stated that the pilot phase is only open to City departments and the contributions that come in through the kiosks in the airport. When someone purchases an offset through the airport, \$1.50 of every ton goes to the carbon fund, so that is a mechanism. We are looking at having alternative bodies or organizations being able to invest in these projects on a larger scale. In terms of getting it out to the public that is something that may be implemented in the second phase where there is a website with a carbon calculator and we market that specifically to individuals and businesses in the community. Commissioner Martin inquired where the airport kiosk would be located and when it would be available. Ms. Ostrander stated that the scheduled launch date is now August 19 and an event will be planned around it. The kiosks will be primarily located in the international terminals past the security area. The idea is to place them where people have time and might be interested. There are screens with animation, and people can go up and calculate their carbon footprint and choose to offset. There also may be two kiosks going in outside of the

international terminals. Vice Chair Gravanis thanked Ms. Ostrander and stated that the Commission would look forward to hearing updates.

11. Planning for the Commission on the Environment's Annual Retreat. (Discussion)

Commissioners in attendance reported that they would be available for a Commission retreat in October and were happy with the Port facilities from last year's retreat. President Pelosi Jr. recommended that agenda item selection be discussed by Director Blumenfeld and Deputy Director Assmann and for Commissioners to email additional recommendations. Ms. Fish stated that she would email the Commissioners a list of potential dates for the retreat and additional information as it becomes available.

12. Operations Committee Report. (Information and Discussion)

Chair's Report: Report on the July 15, 2009 Meeting and review of the agenda for the upcoming meeting of October 21, 2009 at 5:00 p.m., to be held at the Department of the Environment Eco Center.

Committee Chair Tuchow provided an overview of the July 15, 2009 meeting discussions. It was reported at the meeting that the Department's budget was approved by the Board of Supervisors Budget Committee and that today the full Board would be voting on approval. The news was optimistic. There were no layoffs or major project cuts, but there was a need to pay \$865,000 to the Department of Public Works as required by the Mayor's Office. Because impound accounts had gone up, the ultimate effect to the Department was relatively low.

The other subject of discussion was the Energy Watch program. It was reported that there was a delayed start for the 2006-2008 cycle caused by PG&E, but the program did tremendously well even with only 22 months to achieve a three-year goal. We saved 34.5 million kilowatts and practically achieved a three-year program goal in 22 months. Committee Chair Tuchow stated that it was reported that for the 2009-11 program cycle, the utilities have again delayed the project. We have already seen a seven-month delay, but in that interim period, we saved 11.5 kilowatt hours.

The Committee also talked about the stimulus funds particularly with regard to the Energy Watch block grant. It was reported that the San Francisco Public Utilities Commission (SFPUC) is taking the lead and there is funding available for both municipal and community projects. The projects that the Department and Commission are working on are considered community projects. Funding has been requested to upgrade multi-family heating systems and to do single-family and two- to four-unit energy efficiency assessments. There is also funding available for outreach worker training on energy-efficiency. This program was referred to as a community-resiliency program that focuses on tenants (a big population in the city) as well as home owners.

13. Policy Committee Report. (Information and Discussion)

Chairs Report: Highlights of the June 8 and July 13, 2009 meetings and review of the agenda for the August 10, 2009 meeting to be held at City Hall, Room 421.

Committee Vice-Chair Gravanis reported that the Policy Committee met twice since the last Commission meeting in May. The June 8 meeting major topics included a presentation by Mr. Timothy Papandreou of the Municipal Transportation Authority (MTA) on the Bicycle Plan and a presentation by Ms. Claudia Flores, Planning Department, and Ms. Astrid Haryati, Director of Greening, on the Recreation and Open Space Element (ROSE) of the Master Plan. Mr. Papandreou provided background on litigation that is currently holding up the Bike Plan but indicated that despite that, there has been a surge in transit ridership and bicycling and the Environmental Impact Report (EIR) is now on its way. It was explained that there is likely to be an appeal filed, and if that is the case, the implementation of the Bike Plan would be delayed until mid-November. Committee Members provided good suggestions to incorporate into bike planning and asked Deputy Director Assmann to write a letter of support to MTA that he has since issued.

Committee Vice-Chair Gravanis reported that it has been 25 years since the ROSE has been updated, and there is a requirement to update the plan. Ms. Flores and Ms. Haryati spoke on the framework, vision and action plan that is in progress that is supposed to provide implementation of policies over the next ten years. There was quite a good discussion about the ROSE and members of the Committee and the public provided input. The end of September is the deadline to submit comments to the Planning Department, and Department staff is reviewing the Element in order to provide input. Deputy Director Assmann reported that he has asked all program managers to provide input by this Friday and will then consolidate the information, hold discussions, and then put together a set of comments. Committee Vice-Chair Gravanis stated that the comments would be provided to the Policy Committee at their August 10 meeting for review and then to possibly recommend a position for the full Commission to take.

At the July 13 meeting, the Committee discussed the Urban Forest Plan which the Commission approved a Resolution for earlier in the meeting and discussed refining the questionnaire to environmental groups as was also previously discussed. A discussion was held about creating a similar questionnaire directed to neighborhood organizations in the future. An additional item of discussion included recommendations regarding the procedures and practices for Commission and Committee meetings. The Committee hopes to recommend an action item to the Commission at their September 22 meeting. The discussion was centered on making meetings more efficient. Recommendations included influencing the use of the existing agenda item scheduling form and reducing the length of meetings and making them more efficient. One of the suggestions was to set up criteria for deciding what goes on the agenda, which things can be accomplished through a written report, which should go to the Committee instead of Commission, and how to limit the items that go on a Commission agenda. If that can't be done, it was suggested that the Commission could consider holding monthly meetings. A discussion was also held about negotiating presentation times of speakers and ways to make enforce presentation times agreed to. It was suggested that the agenda item sponsor and a speaker agree on a time, and that particular time be added to the printed agenda. It was stated that some Commissions add estimated times on the agenda, but it was not felt that there is a way to anticipate how long discussions and public comment would take. Additional recommendations are available for review in the July 13 meeting minutes.

The next Policy Committee meeting is scheduled for August 10. Meeting agenda items will include a discussion of the Recreation and Open Space Element staff comments and Commissioner Martin has secured a speaker for discussion on insuring the success of an overall sustainability strategy. Additional recommendations for agenda items as time allows include an update on the Urban Forest Plan, Bike Plan, and then to refine the list of meeting practices. The Committee won't be hearing a presentation on the Hunters Point Shipyard Candlestick Point item since speakers are not available, but may hear a report on the status of Treasure Island planning. Treasure Island was selected as a model project under the Clinton Climate Initiative and it would be useful to hear an update.

- 14. Commission Secretary's Report.** (Explanatory Document: Commission Secretary's Report (Word)
<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/CommissionSecretaryReport072809.doc>) (Information and Discussion)

Monica Fish, Commission Secretary presented a written report on Communications and Correspondence received for the Commission since the May 24, 2009 meeting and an update on pending City legislation. Ms. Fish also provided Commissioners a Commission future agenda item checklist.

- 15. Director's Report.** (Explanatory Document: Director's Report (Word)
[http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/DirectorsReportJuly2009\(1\).doc](http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/DirectorsReportJuly2009(1).doc)) Updates on Department of the Environment administrative and programmatic operations relating to Budget Planning, Strategic Planning, Clean Air, Climate Division, Outreach and Education Division, Environmental Justice Division, Zero Waste, Toxics Reduction Program, and the Urban Forestry Division. (Information and Discussion)

Deputy Director Assmann presented a written Director's Report for review. No additional discussion was held at this time.

16. Announcements. (Information and Discussion) Commissioner Martin inquired about the Eco Center renovations. Deputy Director Assmann stated that the Eco Center is under construction and the demolition is complete and rebuild has started. It will be a four-week process and the Department is about a week and a half into the process at this time. The renovation is financed by an outside grant that was received for redesigning the Eco Center.

Commissioner King requested that he not be provided with paper files in the future and that all Commission documents be provided by email to him through a PDF file. It was requested that the Commission Secretary bring a disk of the packet to the meeting as a backup. Commissioner King indicated that he would be bringing his laptop to future meetings in order to access the electronic version of the packet. Ms. Fish reported that would be possible. Deputy Director Assmann stated that he would discuss what possibilities would be available with the staff IT person and suggested the possibility of providing laptops so information could be provided electronically to all Commissioners. Commissioner Mok stated that it may be difficult to make notations through a screen version of a PDF file.

Item 17 was heard after Item 18.

17. President's Announcements. (Information and Discussion) President Pelosi Jr. reported that the most significant initiatives at this time are the energy-efficiency and solar programs. It was explained that there is over \$7 million distributed in a partnership with the PUC and PG&E for energy-efficiency programs that are creating jobs, reducing San Francisco's carbon footprint, and providing opportunity for government to work with individuals and companies in a positive way. President Pelosi Jr. stated that the Commission should look to the retreat to organize around other principles that can foster this good working relationship between the community and government.

18. New Business/Future Agenda Items. (Information, Discussion and Possible Action) Vice President Gravani thanked Ms. Fish for providing a Future Agenda Checklist and stated that it would be helpful in identifying future agenda items. Commissioner King requested an update on congestion management pricing. President Pelosi Jr. recommended focusing on community outreach and identifying which of the Department's legislative interests and initiatives the Commission could provide assistance on as well as finding a balanced approach to identifying programs.

19. Public Comments: Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. There was no public comment at this time.

20. Adjournment. The Commission meeting adjourned at 6:52 p.m.

*** Copies of explanatory documents are available at (1) the Commission's office, 11 Grove Street, San Francisco, California between the hours of 9 a.m. and 5 p.m., (2) on the Commission's website at http://sfgov.org/site/seenvironment_meeting.asp?id=61004; (3) by clicking on the links by each agenda item above, (4) upon request to the Commission Secretary, at telephone number 415-355-3709, or via e-mail at Monica.Fish@sfgov.org within three business days of a meeting. Explanatory documents that are received after posting of this agenda are available on the website or upon request to the Commission Secretary at the contact information listed above.*

Respectfully submitted by,
Monica Fish, Commission Secretary
TEL: (415) 355-3709
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*Approved:

CITY AND COUNTY OF SAN FRANCISCO
COMMISSION ON THE ENVIRONMENT

GOVERNMENT
DOCUMENTS DEPT

REGULAR MEETING
APPROVED MINUTES

OCT - 2 2009

TUESDAY, JULY 28, 2009, 5:00 P.M.
CITY HALL, ROOM 416, SAN FRANCISCO, CA 94102

SAN FRANCISCO
PUBLIC LIBRARY

COMMISSION MEMBERS: Commissioners Paul Pelosi Jr. (President), Ruth Gravanis (Vice-President), Angelo King, Jane MarieFrancis Martin, Alan Mok, Matt Tuchow, Johanna Wald

ORDER OF BUSINESS

Public comment will be taken before the Commission takes action on any item.

1. **Call to Order and Roll Call.** The Commission on the Environment Meeting was called to order at 5:10 p.m. Present: President Pelosi Jr. (6:00), Vice-President Gravanis, Commissioners King (5:15), Martin, Mok and Tuchow. Excused: Commissioner Wald.
2. **Adoption of Minutes of the May 26, 2009 Commission Regular Meeting.** (Discussion and Action) Upon Motion by Commissioner Martin and second by Commissioner Mok, the May 26, 2009 Commission Meeting Minutes were approved without objection (AYES: Vice-President Gravanis, Commissioners Martin, Mok and Tuchow; Absent: President Pelosi Jr., Commissioners King and Wald). (Explanatory Document: May 26, 2009 Approved Minutes http://sfgov.org/site/sfenvironment_page.asp?id=105955)
3. **Public Comments:** Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. There was no public comment at this time.
4. **Presentation of Mayoral Certificate of Honor for Commissioner Emeritus Darian Rodriguez Heyman and Approval of Commission Resolution File No. 2009-03-COE commending Commissioner Emeritus Darian Rodriguez Heyman for his Service on the Commission on the Environment.** Speaker: Vice-President Gravanis (Discussion and Action) (Explanatory Documents: Certificate of Honor (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/CertificateofHonor.pdf> and Approved Resolution No. 003-09-COE (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/Res003-09-COECommisionerRodriguezHeyman.pdf>)

Upon Motion by Commissioner Tuchow and second by Commissioner Mok, Resolution File 003-09-COE commending Commissioner Emeritus Darian Rodriguez Heyman for his service to the Commission on the Environment was approved without objection (AYES: Vice-President Gravanis, Commissioners Martin, Mok and Tuchow; Absent: President Pelosi Jr., Commissioners King and Wald). Vice-President Gravanis presented the Mayoral Certificate of Honor to Commissioner Emeritus Darian Rodriguez Heyman who was present to accept the Certificate.

5. **Approval of Resolution urging the San Francisco Planning Department to Prioritize the Completion of the Urban Forest Plan and Identify and Expedite Funding for Key Portions of the Plan.** Sponsor: Commissioner Jane MarieFrancis Martin; Speaker: David Alumbaugh, San Francisco Planning Department (Explanatory Document: Resolution File No. 2009-04-COE (Word) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/Resolution2009-04-COEPriorizeUrbanForestPlan.doc>) (Discussion and Action)

Commissioner Martin reported that Mr. Andres Power of the Planning Department at the request of Policy Committee members attended the July 13 Policy Committee meeting to report on the status of the revision to the Urban Forest Master Plan. It was explained that funding was cut for continued work on this Plan because of the

current budget situation, and there is no current plan for restoring funding. The Committee, recognizing the environmental benefits of a solid Urban Forest Master Plan, strategized ways to select key elements that can be completed by staff instead of the initial idea to complete it through consultant contracts. Commissioner Martin stated that before the budget shortfall, the Supervisors had dedicated \$200,000 to this project, \$85,000 of which was spent, leaving \$115,000 of work remaining. There was just shy of enough work completed to capture a good data analysis. It was learned that San Francisco's publicly-owned trees are divided among many stakeholders that include City agencies consisting of the Port, San Francisco Unified School District (SFUSD), Department of Public Works (DPW), Recreation and Park Department, etc. and also includes private property owners. Street trees in most cases are owned publicly but are maintained by private citizens - owners of adjacent properties, which results in uneven treatment of the urban forest. Commissioner Martin explained that an effort is being made to better understand the Master Plan and what it seeks to achieve in order to encourage others to help restore efforts to work on the Plan. Mr. David Alumbaugh of the Planning Department was introduced to discuss the current status of the Plan.

Mr. Alumbaugh stated that there is frustration on the part of Planning Department staff that work on the Urban Forest Plan cannot continue because of the current budget situation. It was agreed some years ago that there is a need to work on the Urban Forest Plan, so it was added to the budget last year. When the budget crisis happened, it was obvious that the Planning Department's consultant funding budget had to be reduced so the project was terminated before the first phase was available. Mr. Alumbaugh stated that the importance of this work can't be understated and is very well laid out in the Resolution. It was explained that the Planning Department is including the work of planning for a robust urban forest with other work efforts wherever possible and cited the Better Streets Plan as an example.

Commissioner Tuchow asked if there were private or foundation funds that are being sought to pursue completion of the Plan and whether there was anything the Commissioners could do to make sure work progresses. Mr. Alumbaugh stated that staff is just finding out now what the budget actions of the Board of Supervisors are and are turning attention to that. The potential for grant funding or partner funding has not been explored. It was stated that it is frustrating that \$120,000 could have completed the consultant work to produce what is believed to be a robust urban forest plan, but funds are not available. Mr. Alumbaugh stated that the Commission's Resolution discusses the possibility of City staff working on the Plan, which he will review and then report back to the Commission. It was explained that work would primarily encompass an economic analysis about how to better manage the urban forest. Mr. Alumbaugh stated that he would review the cost of completing an economic analysis and determine whether staff could complete this effort.

Public Comment: Mr. Terry Milne, Chair, Urban Forestry Council, reported that he has been working on the Urban Forest Plan for the past three to five years. Consultants have been called in to do surveys and money has been expended before the Plan was turned over to the Planning Department. Mr. Milne stated that he believes the problem with the urban forest is a result of the different departments that handle trees in the city. It is hoped that that this Urban Forest Plan can ultimately end up in the City's General Plan that is more enforceable and not just a policy document that is put on a shelf. The Supervisors and Planning Commissioners would then have a say about issues that may disrupt City policy in regard to its urban forest. It was explained that other people who are interested in the urban forest are also frustrated that the Plan is not moving forward. The Commission was urged to approve the Resolution and move it forward to the Planning Department.

Upon Motion by Commissioner Tuchow and second by Commissioner Mok, Resolution 004-09-COE urging the Planning Department to prioritize the completion of the Urban Forest Plan and identify and expedite funding for key portions of the Plan was approved without objection. (AYES: Vice-President Gravanis, Commissioners King, Martin, Mok and Tuchow; Absent: President Pelosi Jr. and Commissioner Wald) (Explanatory Document: Approved Resolution No. 004-09-COF (PDF) http://sfgov.org/site/uploadedfiles/scenvironment_meetings/coe/supporting/2009/Res004-09-COEprioritizeUrbanForestPlan.pdf)

6. Mandatory Recycling and Composting Ordinance Implementation Update. Sponsor: David Assmann, Deputy Director; Staff Speakers: Jack Macy, Commercial Zero Waste Coordinator and Jean Walsh, Outreach Specialist (Informational Report and Discussion)

Deputy Director Assmann reported that the Ordinance is a momentous step forward and is unprecedented nationwide to have a mandatory recycling and composting ordinance in place. Mr. Macy reported that the Mandatory Recycling and Composting Ordinance otherwise known as the Universal Recycling and Composting Ordinance is landmark legislation that for the first time anywhere requires that everybody participate in composting food scraps. As a result of this Ordinance, everyone has to participate in composting and recycling throughout the city. This legislation was signed by the Mayor on June 23rd at a well-attended press event at the Ferry Building Farmers Market, which is a model participant in the program diverting over 90%. It was explained that the Department has spent over a year working on the Ordinance with a lot of stakeholder input, and a lot of stakeholders participated in the press event. As a result of the press event and outreach in this area, a significant impact has already been seen particularly in the area of composting, where improvement is needed the most. There has been a 15% increase in the amount of tonnage diverted in the composting program. Also seen is a ten-fold increase in green cart distribution and more people are joining the program, particularly multi-tenant properties, which is the top priority in terms of outreach into joining the program.

Mr. Macy reported that three sector areas are being targeted, City government, residential, and commercial, where a lot of work is being accomplished in terms of outreach and assistance. The goal is to have full City department compliance when this ordinance is in effect on October 21st, which is 120 days after the Mayor has signed. There is three months to get as much compliance as possible. Right now 91% of all City departments have recycling, but almost half don't have composting. The larger compost generators, e.g., hospitals and Recreation and Park Department are already in the program, but there is a big push for City departments to serve as a model for the rest of the city. Recently, a commitment was received from the Department of Real Estate that they would have all of their facilities/properties fully in compliance.

Mr. Macy reported that there has been tremendous progress in the residential area. The priority now is to target apartment buildings. There is pretty good compliance among single-family units, and will increase with the outreach that will be done. It was explained that 97% of apartment buildings have recycling, but only 30% have composting, which means there are about 7000 buildings that are needed to join the composting program. There is an aggressive effort being made that might take more than three months to accomplish. A lot of breakthroughs are being made, particularly within the large complexes, where the largest apartment complex in the city, Park Merced, is on the program. A lot of large properties, including Citi Apartments, Trinity, and Lamar Group, for example, are on the program, and work is in progress with the two largest property management associations, the Coalition for Better Housing and Professional Property Managers Association (PPMA). Mr. Macy stated that he feels good about what is being done on the residential side and tremendous headways are being made.

Mr. Macy stated that a lot of outreach and work is being done on the commercial side through organizations such as the Building Owners and Managers Association (BOMA) and other business associations. The big challenge is to influence multi-tenant properties not only to recycle, as there is wide spread participation in recycling, but to add composting. The news that is being relayed is that this Ordinance is simple, clear, universal, everybody participates, and on-site assistance can be provided if needed. A team of consultants has been out in the field for several years and they will continue. Staff is also working closely with Recology staff and confident that tremendous headway can be made to influence all of these properties to join. It will be seen how quickly full compliance can be reached. The Ordinance provides a tremendous tool that was not available before. Discussions were previously held about savings that could be achievable on trash bills, how the program is easy, and there is free assistance, but now it is the law and that will influence people quicker.

Mr. Macy stated that the Department of the Environment is working with other City departments that include the Department of Public Health (DPH) and Department of Public Works on Ordinance enforcement. Both departments

have new powers, particularly DPH, who now has the ability to levy commercial liens if a commercial property does not pay for adequate service. Mr. Macy stated that he is excited about how this Ordinance will help the City reach 75% diversion and zero waste.

Ms. Jean Walsh, Department of the Environment Outreach Specialist, described outreach efforts to educate the public on the Universal Recycling and Composting Ordinance. Outreach efforts will include a mailing to Norcal customers, all 150,000 residential customers, approximately 15,000 commercial and approximately 20,000 multi-tenant apartment buildings. The Department of the Environment is also sending a mailer of its new recycling and composting guide in October, about the same time the Ordinance will take effect, which will include information about the new Ordinance. Neighborhood door-to-door grassroots outreach will be in progress to businesses and apartments that will include a team of volunteers that go out every Wednesday and deliver green pails and talk to residents. The Department will update their website with information and Norcal has done the same. The Department also sent Information via their e-newsletter, and Norcal would be providing a hard copy newsletter to all of their customers. Ms. Walsh stated that Mr. Macy had previously discussed the other partnership building efforts that are underway with BOMA and some of the apartment associations.

Commissioner Martin discussed the Commission's 2008 retreat focus on green jobs and how this Ordinance could provide opportunities for this type of endeavor. It was recommended that either the Department or another entity could create a business model for cleaning green bins at a nominal fee. Commissioner Martin stated that she has found that people don't want to compost because it is dirty and after the collection it remains dirty, so it is difficult for people and they don't have the space or ability to do the cleaning of the bins. Commissioner Martin stated that she had contacted Sunset Scavenger, who indicated that they were not providing this service. Mr. Macy stated that that effort is being accomplished to some extent in Europe and there is a company in Colorado that drives around and does on site washing on their truck as opposed to taking the cart back to the facility to clean. It was explained that Sunset Scavenger and Golden Gate Disposal have a washing service but it is more expensive because they take the cart back to their central facility. The program that is being recommended would involve having specialized trucks washing on site. There was some interest expressed, but the companies were not quite ready to offer this type of service partly because of the business plan involved. This is a good time to revisit this service because there is such a bigger push for composting. Commissioner Martin recommended offering the service once a month or on an on-call basis.

Commissioner Tuchow inquired whether there was a grace period for people to learn about the Ordinance before enforcement. Mr. Macy stated that multiple warnings would be issued, and that fines would be issued as a last resort and would not exceed \$100 for residents and small generators that have less than a cubic yard of service per week. The Ordinance is seen as an outreach tool that would serve as an opportunity for providing all of the assistance necessary for everyone to comply. The enforcement priority is to make sure that multi-tenant property managers/owners provide the service so their tenants can participate. Most calls are from residential apartment dwellers that do not have recycling or composting in their building or from commercial tenants. The concern expressed by apartment associations and businesses was if they set up a program and tenants did not participate properly. The Ordinance addresses property manager responsibilities, which includes the requirement for setting up the program with the appropriate number and size and location of containers and provide basic level of education to tenants. If that is done, they won't be fined if people did not sort properly. The Ordinance states that after July 2011, the potential penalties for mixing for multi-tenants would be revisited, and the intent is to do this through the rate-setting process, so there will be a higher rate for people that don't sort their trash properly.

Commissioner Tuchow inquired which agencies would serve as the enforcement vehicle. Mr. Macy stated that the Department of Public Health and the Department of Public Works would ensure that basic adequate service is provided, and the Department of the Environment would play the most active role, particularly to make sure that multi-tenant properties institute adequate programs. The three departments would be working together and sharing resources.

Commissioner King asked that all fines that are issued be tracked and the Commission apprised of where they are applied. Commissioner King expressed his concern that people are using fines as another revenue source for shortfalls, which he is opposed to. It was stated that fines are to change behaviors and encourage folks to participate in a program, but not to find ways to fill existing gaps. Commissioner King stated that it is becoming a very expensive time to live here and that we don't want to unintentionally give people a tool to finance future revenue shortfalls. An example given was the increase in downtown parking meters and fines.

Vice-President Gravanis congratulated all staff that worked on the Ordinance.

7. Department of the Environment's Landfill Search Update. Staff Sponsor and Speaker: David Assmann, Deputy Director (Informational Report and Discussion)

Deputy Director Assmann reported that the Department embarked on the landfill search process about two years ago and held a series of public meetings. After the meetings were held, a policy document was established to outline what considerations there should be as part of this process. A Request for Qualifications (RFQ) was issued and sent to every landfill that was registered with the California Integrated Waste Management Board in the state. Applications were received from three firms, which were all deemed to be qualified to bid.

Deputy Director Assmann reported that it is expected that San Francisco would run out of landfill capacity in approximately 2014 and maybe as late as 2015 depending on whether disposal numbers continue to go down at the current rate. It is projected that additional capacity will be needed in approximately 2014. San Francisco's disposal has dropped dramatically to about 450,000 tons annually. At this rate, we will be below 400,000 tons in the future and should keep going down beyond that. The RFQ asks for five million tons or capacity until 2025, whichever comes first. Three qualified responses were received. A Request for Proposals (RFP) was then issued and a mandatory pre-bid conference was held. One of the firms did not attend the conference so was disqualified as a result. The first round of interviews with the two finalists had been held, and a recommendation will be made this fall to the Board of Supervisors, who has the ultimate authority over the landfill contract. The Board of Supervisors will refer the recommendation to a Board of Supervisors Committee for approval and then it would be heard at the full Board.

Deputy Director Assmann stated that preliminary negotiations will be held with the winning firm prior to the Board of Supervisors hearing, and then final negotiations will be held after the Board of Supervisors has made their determination. It is anticipated that the entire process of selecting a finalist and negotiating a contract would be completed in the winter of 2010. That would allow for three to four years before the contract has to be in place. Additional details would be provided to the Commission once a report is ready to send to the Board of Supervisors.

Commissioner Martin inquired about the location of the two finalists. Deputy Director Assmann reported that one finalist is the Altamont Landfill, which is the current landfill, and the other is the Ostrom Road landfill which is near Marysville. One is owned by Waste Management and the other is owned by Recology, which is the new name for Norcal. Commissioner Martin inquired why a contract is being negotiated for landfill until 2025 if San Francisco is supposed to reach zero waste by 2020. Deputy Director Assmann stated that the agreement will be for five million tons of landfill and is being set up as a tiered rate so if less is disposed there is a lower rate, and more would be a higher rate. All plans are assuming that San Francisco follows a straight line down to zero waste by 2020.

8. Approval of Commission Questionnaire to Solicit Legislative Ideas from Environmental Organizations.
Sponsors: Vice President Gravanis and Commissioner Jane Martin, Staff Speaker: Jean Walsh, Outreach Specialist (Explanatory Document: Questionnaire (Word)
<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/Surveyforenvirogroups.doc>)
(Discussion and Action)

Vice President Gravanis reported that the Policy Committee has been discussing how to strategically increase public involvement in the activities of the Commission and the Department. One of the first steps agreed to would be to

survey active local environmental organizations to determine why there isn't more participation. A questionnaire in the packet was drafted for this purpose.

Ms. Jean Walsh, Outreach Specialist, was present to accept comments on the draft and move forward with sending the survey to environmental groups. Deputy Director Assmann recommended inviting the prominent city environmental organizations to the Commission retreat or future meeting to brainstorm how the Commission could be more interactive with environmental organizations. It was stated that there would be groups that may respond to the questionnaire, but many would not. Setting up a situation with interaction on a one-to-one basis either through a separate meeting or retreat would be more likely to generate feedback. Vice-President Gravanis recommended adding a question as to whether there would be interest in attending a Commission retreat in the fall to the questionnaire.

Commissioner Tuchow inquired about the goal of survey. Vice President Gravanis explained that in addition to what was discussed previously, the survey would answer why environmental organizations go directly to Supervisors with environmental legislative ideas and bypass the Commission or Department and would provide education that there is a body that could assist in this effort. Vice President Gravanis reported that she had recently attended a meeting of the San Francisco Tomorrow Board of Directors, and that half of the Board members had not heard of the Commission, but there were members that had previously worked with Department staff on a number of issues throughout the years. The questionnaire would begin the effort of making the Commission better known throughout the environmental community.

Commissioner Martin reported that the Bylaws state that one of the charges of the Commission is to conduct outreach, which this questionnaire would apply to. The intent is to approach environmental organizations to provide awareness that there is a Commission and Department of Environment and solicit specific ideas so that the Commission is reflecting the interests and needs of the community at large.

Commissioner Tuchow inquired whether the Department's outreach program already provides this type of service to environmental organizations. Vice President Gravanis stated that the Department has an outreach program but has not targeted environmental organizations to inquire about what they are working on and how work efforts can be joined. Ms. Walsh explained that the Department has partnered with various environmental organizations on an as needed basis issue by issue, but has never reached out broadly and asked these questions. Deputy Director Assmann stated that each program area deals with organizations that have interests that align with their program areas, but have not approached groups with an inquiry about the types of issues they think the Department and Commission should be working on. It is valuable to have this type of input. Deputy Director Assmann reported that environmental groups have said to him that the Commission is so progressive, they don't need to come to the Commission, but do not see the Commission as an ally for pushing legislation through.

Commissioner King stated that it may be too much of a burden for people to work a full day and then attend an additional meeting. Commissioner King discussed the correlation between the community's meeting attendance at various City Commissions and interest in topics that include listening to complaints or issuing funding for programs. It was stated that the Commission often times does not see the projects that grant funding is being issued for. It was recommended that the Commission also consider the passionate fights that community members are advocating for as future topics of discussion. It was explained that in the Bayview community, the Precautionary Principle is quoted quite a bit, but yet community members never attend Commission meetings. It was recommended that the Commission spend time on educating the community on what the Commission safeguards and provides oversight to.

Commissioner Martin stated that this questionnaire would not only invite groups to provide input and to attend meetings, but advise them that there are other ways to work with Commissioners and staff. Commissioner Martin recommended that (1) the cover letter reference that Commission meetings are held in Room 416, City Hall; (2) that a specific date be added indicating when the questionnaire is sent out; (3) to add a date when responses should be received; and (4) the cover letter should appear in the text of the email with a link to the survey that can be filled out online with an option to send an email to staff requesting a printed copy. Vice Chair Gravanis indicated that she

would assist in providing a list of environmental groups to send the survey to. Commissioner Tuchow recommended rewording the section where it states “recently public attendance has been low...” to “if you haven’t attended a Commission meeting, could you indicate why” and asked that the section on “we would like to hear your views on the organization” be moved into the body of the survey.

- 9. Approval of Integrated Pest Management (IPM) Report for 2006-2007.** Speakers: Chris Geiger, Ph.D., IPM Program Manager, Department of the Environment and Ralph Montana, IPM Coordinator, Recreation and Park Department (Explanatory Document: 2006-07 IPM Report (PDF) <http://sfgov.org/site/uploadedfiles/sfcnvironment/meetings/coe/supporting/2009/FinalIPMAnnRpt2006-07VER4p4amended.pdf>) (Informational Report, Discussion and Action)

Dr. Geiger reported that the Calendar Year 2006-07 report is being provided in 2009 because of ongoing database problems converting to a web-enabled pesticide-use reporting system. It was explained that San Francisco is one of the few cities requiring its employees to report pesticide use and the previous system was taking over hundreds of staff hours. The 2008 data should be presented in a shorter time than it took to provide 2006-07 as database problems are being resolved.

Dr. Geiger reported on good news as far as pesticide use trends and referred to the numbers located in the summary of statistics on page 11 of the report. It was explained that pounds of pesticide products used has been reduced by 88% since the beginning of the report period, and the active ingredient that is in the pesticide product has been reduced by 83%. Since the last report was issued, it has continued to decrease in most products, except there was a 4% increase in Tier 1 products, which is the highest hazard pesticide used. Much of that increase can be attributed to herbicide used on golf courses, some emergency applications on palm trees, and other uses that tend to fluctuate year to year. However, the overall statistics have been very good.

Dr. Geiger showed a graph of pounds of products used over the years. In the beginning of the program, there was a big drop the first year when everyone stopped using the herbicides, and then there was deferred maintenance in 1998. It was reported that there was an increase in insecticide and herbicide use for the 2005 golf tournament and an increase in insecticide use for the treatment for mosquitoes due to the West Nile virus. However, most of these applications were of the least hazardous products. It was explained that throughout these reports mosquito and rodenticide treatments are separated out from everything else because they apply to public health hazards and are not discretionary in many cases. The goal is to influence the use of the least hazardous product possible.

Dr. Geiger stated that he has done a lot of reporting on active ingredients this year because it is the most accurate way to portray risks. There has been a huge decrease in usage of herbicide over the years, which can be attributed to City staff that are running these programs and doing the weeding and weed prevention. Fungicide use has also decreased dramatically. Insecticide use has gone up and down and the most hazardous insecticides have been removed from that list during that period. Golf is one of the challenging areas. It was reported that Sharp Park Golf Course is now pesticide free in order to protect the endangered species in the area--the red-legged frog and San Francisco garter snake.

Dr. Geiger reported that lessons learned include the importance of landscape design for determining how much pesticides are used and how well pests are managed. An example given was the planting of palm trees that are not well acclimated in San Francisco and oftentimes require fungicide to keep them alive. Another example given was that even in green LEED-certified buildings, pest contractors have reported that false ceilings are an extra floor for rats, so there should be better design guidelines. Other trends include the importance of staffing and budget. When labor availability is reduced, the pressure to use Roundup and other herbicides is greatly increased. It was stated that there has been a reduction of staff at the Recreation and Park Department, and that Mr. Montana is doing extra work serving as the IPM Coordinator and as most of the IPM staff for the department.

Mr. Ralph Montana reported on the increase of fungicide use at Candlestick Park due to an outbreak last year, and the current use of compost teas in order to reduce future outbreaks and establish a healthier turf. A safer formulation of dry Roundup was being used, which had knocked down liquid usage; however, next year it will be necessary to revert back to the liquid product because the dry product will no longer be produced. Mr. Montana stated that he is looking for grants in order to purchase a steam machine that would help reduce the use of Roundup in parks and squares, specifically for edging and tree basin work and is researching basin crop covers to eliminate Roundup use in tree basins. Mr. Montana reported that Sharp Park and Julius Kahn Park are pesticide free, but the biggest challenge is the golf industry. It was explained that heavy applications of pesticide are used for Harding Park because of the golf tournament and the pressure that it is under as opposed to other golf courses, e.g., Sharp Park, Lincoln, and the nine-hole golf course in Golden Gate Park, which only has one staff member maintaining all nine holes. Mr. Montana reported that the Recreation and Park Department has come a long way from using toxic pesticides to a level-line with small glitches and continues to research and develop new techniques.

Commissioner Martin inquired about the cost for the steam clean machine. Mr. Montana reported that it would cost approximately \$15,000. Commissioner Martin recommended the possibility of tool sharing with other City departments that may already have this machine. Commissioner King acknowledged the efforts of City gardeners in implementing this harm-reduction policy.

Upon Motion by President Pelosi Jr. and second by Commissioner King, the 2006-07 Annual Report was approved without objection (AYES: President Pelosi Jr., Vice-President Gravanis, Commissioners King, Martin, Mok and Tuchow; Absent: Commissioner Wald).

10. San Francisco Carbon Fund Program. Sponsor: David Assmann, Deputy Director; Staff Speaker: Calla Ostrander, Climate Action Coordinator (Informational Report and Discussion)

Ms. Ostrander distributed an informational sheet describing the Carbon Fund program (Explanatory Document: Carbon Fund Program Informational Sheet ([PDF](#)))

http://sfgov.org/site/uploadedfiles/sfenvironment_meetings/coc/supporting/2009CarbonKioskCard0409v2.pdf) It was reported that the impetus for the local carbon offset program came from Mayor's Directive issued in 2007. The program has been developing over the past two years and is now up and running. There were two major challenges that were faced. One is that it is a major project that was not accomplished anywhere else. There were no offset projects locally that were available and so it was necessary to develop the project ourselves. The second obstacle was financing the project and integrating it into City code, City workings and budgets, which had been accomplished this year. Final approval came through a budget hearing from the Board of Supervisors today, so the fund is actually now in place and ready to receive funds.

Ms. Ostrander provided background on the program. It was explained that the funds that are initially going into the fund are coming from activities that are hard to reduce. We are only looking to offset emissions that can't be mitigated otherwise. Air travel was the perfect place to start and 13% of all money spent in the city on air travel would be going into this fund. It is a fee on air travel to mitigate the climate impacts of what is a highly impactful activity, flying. Funds will also be received for launch of a carbon kiosk program at the San Francisco Airport that is scheduled for August 19. A portion of those funds will be directed to the Department of the Environment. The offsets for that program are primarily from the Garcia River National Forest project, which is a Climate Registry certified project.

Ms. Ostrander explained that the San Francisco Carbon Fund is a portfolio of local carbon offset projects and other carbon mitigation projects that invest in climate protection as well as a variety of other ecosystem services and social benefits that aren't currently valued in the market. Monies are being taken from emission-intensive activities and being invested in activities that will reduce our carbon footprint. The program is local, transparent, and methodologies have been developed for all of the projects and where applicable, the Climate Registry methodologies or the Gold Standard are used for carbon offsets. Where not applicable, we have developed our own methodologies that are highly transparent and are open to the public for review and anyone to comment on. A lot of times people

have concerns about offsets being real, and part of what we are proud of with this program is because we have such vigorous methodologies, because it is local, because it is transparent, we are actually able to show the projects and track the emission reductions that will come from them over time.

Ms. Ostrander reported that the first two projects that are in the fund and being launched are for a local biodiesel waste grease station (Dogpatch Biofuels) and an urban forest program. Dogpatch Biofuels is the first biodiesel fueling station in San Francisco, and the San Francisco carbon fund helped get this local fueling station up and running. People had been previously driving across the bay to purchase biodiesel. The carbon benefits are being counted through the replacement of petro diesel with waste grease biodiesel. That is where the carbon offsets are coming from. The second project is an urban forestry project. It will not only be for carbon, but will have additional benefits from the fruit trees that are planted. That program is being implemented in conjunction with urban tree planting programs that will provide education to community members who receive the trees on how to harvest the fruit, how to gain access to markets, and then how to capture the carbon benefits of planting those new trees here in San Francisco.

Commissioner King asked where the carbon offset portfolio was being pulled from and how to follow it. Ms. Ostrander reported that our own portfolio is being developed and that part of the next steps of this program is to solicit project development ideas from the community. A Request for Qualifications (RFQ) will be issued for community-based projects, e.g., forestry, energy efficiency, solar hot water on low-income homes--specifically projects that would not take place otherwise without this additional funding. The portfolio currently consists of the waste grease biodiesel and the urban trees which are current projects. For tracking purposes, work is in progress to set up a webpage on the Department's website which will list the projects and contain descriptions and pictures. Commissioner King inquired whether credits being taken in already. Ms. Ostrander stated that one of the challenges with creating a commodity carbon offset is that you are not allowed to use the money to finance the project upfront. You are only allowed to give the money to the project once the carbon offset has been produced so it does not violate the financial additonality clause and other issues surrounding verification for some of the mandatory market standards to provide upfront capital financing.

Ms. Ostrander stated that projects that our community really needs are upfront capital financing. Essentially, they are unable to get off the ground without it, so what we are doing in this case is investing in these projects and providing the upfront capital and are not creating a commodity grade offset (Verified Emission Reductions-VERs) at this point in time. The offsets from the Carbon Fund as it is today would not be acceptable in a mandatory market. So if a business gets regulated by AB32 and they have to meet certain emission reduction requirements and they are allowed to buy some credits, this will not be an appropriate place for them to invest their money because these are not VERs-offsets. Commissioner King asked if this would potentially be limiting in terms of support that can be provided to these eco-friendly carbon-reducing businesses. Ms. Ostrander stated that it would actually give more opportunity to provide support and get money back to the community. This mechanism really allows us to invest in the community in a way that is highly progressive and flexible in terms of municipalities using carbon revenue and investing it locally.

Commissioner Martin asked whether it is possible for a company or private citizen to contribute to the fund. Ms. Ostrander stated that the pilot phase is only open to City departments and the contributions that come in through the kiosks in the airport. When someone purchases an offset through the airport, \$1.50 of every ton goes to the carbon fund, so that is a mechanism. We are looking at having alternative bodies or organizations being able to invest in these projects on a larger scale. In terms of getting it out to the public that is something that may be implemented in the second phase where there is a website with a carbon calculator and we market that specifically to individuals and businesses in the community. Commissioner Martin inquired where the airport kiosk would be located and when it would be available. Ms. Ostrander stated that the scheduled launch date is now August 19 and an event will be planned around it. The kiosks will be primarily located in the international terminals past the security area. The idea is to place them where people have time and might be interested. There are screens with animation, and people can go up and calculate their carbon footprint and choose to offset. There also may be two kiosks going in outside of the

international terminals. Vice Chair Gravanis thanked Ms. Ostrander and stated that the Commission would look forward to hearing updates.

11. Planning for the Commission on the Environment's Annual Retreat. (Discussion)

Commissioners in attendance reported that they would be available for a Commission retreat in October and were happy with the Port facilities from last year's retreat. President Pelosi Jr. recommended that agenda item selection be discussed by Director Blumenfeld and Deputy Director Assmann and for Commissioners to email additional recommendations. Ms. Fish stated that she would email the Commissioners a list of potential dates for the retreat and additional information as it becomes available.

12. Operations Committee Report. (Information and Discussion)

Chair's Report: Report on the July 15, 2009 Meeting and review of the agenda for the upcoming meeting of October 21, 2009 at 5:00 p.m., to be held at the Department of the Environment Eco Center.

Committee Chair Tuchow provided an overview of the July 15, 2009 meeting discussions. It was reported at the meeting that the Department's budget was approved by the Board of Supervisors Budget Committee and that today the full Board would be voting on approval. The news was optimistic. There were no layoffs or major project cuts, but there was a need to pay \$865,000 to the Department of Public Works as required by the Mayor's Office. Because impound accounts had gone up, the ultimate effect to the Department was relatively low.

The other subject of discussion was the Energy Watch program. It was reported that there was a delayed start for the 2006-2008 cycle caused by PG&E, but the program did tremendously well even with only 22 months to achieve a three-year goal. We saved 34.5 million kilowatts and practically achieved a three-year program goal in 22 months. Committee Chair Tuchow stated that it was reported that for the 2009-11 program cycle, the utilities have again delayed the project. We have already seen a seven-month delay, but in that interim period, we saved 11.5 kilowatt hours.

The Committee also talked about the stimulus funds particularly with regard to the Energy Watch block grant. It was reported that the San Francisco Public Utilities Commission (SFPUC) is taking the lead and there is funding available for both municipal and community projects. The projects that the Department and Commission are working on are considered community projects. Funding has been requested to upgrade multi-family heating systems and to do single-family and two- to four-unit energy efficiency assessments. There is also funding available for outreach worker training on energy-efficiency. This program was referred to as a community-resiliency program that focuses on tenants (a big population in the city) as well as home owners.

13. Policy Committee Report. (Information and Discussion)

Chairs Report: Highlights of the June 8 and July 13, 2009 meetings and review of the agenda for the August 10, 2009 meeting to be held at City Hall, Room 421.

Committee Vice-Chair Gravanis reported that the Policy Committee met twice since the last Commission meeting in May. The June 8 meeting major topics included a presentation by Mr. Timothy Papandreou of the Municipal Transportation Authority (MTA) on the Bicycle Plan and a presentation by Ms. Claudia Flores, Planning Department, and Ms. Astrid Haryati, Director of Greening, on the Recreation and Open Space Element (ROSE) of the Master Plan. Mr. Papandreou provided background on litigation that is currently holding up the Bike Plan but indicated that despite that, there has been a surge in transit ridership and bicycling and the Environmental Impact Report (EIR) is now on its way. It was explained that there is likely to be an appeal filed, and if that is the case, the implementation of the Bike Plan would be delayed until mid-November. Committee Members provided good suggestions to incorporate into bike planning and asked Deputy Director Assmann to write a letter of support to MTA that he has since issued.

Committee Vice-Chair Gravanis reported that it has been 25 years since the ROSE has been updated, and there is a requirement to update the plan. Ms. Flores and Ms. Haryati spoke on the framework, vision and action plan that is in progress that is supposed to provide implementation of policies over the next ten years. There was quite a good discussion about the ROSE and members of the Committee and the public provided input. The end of September is the deadline to submit comments to the Planning Department, and Department staff is reviewing the Element in order to provide input. Deputy Director Assmann reported that he has asked all program managers to provide input by this Friday and will then consolidate the information, hold discussions, and then put together a set of comments. Committee Vice-Chair Gravanis stated that the comments would be provided to the Policy Committee at their August 10 meeting for review and then to possibly recommend a position for the full Commission to take.

At the July 13 meeting, the Committee discussed the Urban Forest Plan which the Commission approved a Resolution for earlier in the meeting and discussed refining the questionnaire to environmental groups as was also previously discussed. A discussion was held about creating a similar questionnaire directed to neighborhood organizations in the future. An additional item of discussion included recommendations regarding the procedures and practices for Commission and Committee meetings. The Committee hopes to recommend an action item to the Commission at their September 22 meeting. The discussion was centered on making meetings more efficient. Recommendations included influencing the use of the existing agenda item scheduling form and reducing the length of meetings and making them more efficient. One of the suggestions was to set up criteria for deciding what goes on the agenda, which things can be accomplished through a written report, which should go to the Committee instead of Commission, and how to limit the items that go on a Commission agenda. If that can't be done, it was suggested that the Commission could consider holding monthly meetings. A discussion was also held about negotiating presentation times of speakers and ways to make enforce presentation times agreed to. It was suggested that the agenda item sponsor and a speaker agree on a time, and that particular time be added to the printed agenda. It was stated that some Commissions add estimated times on the agenda, but it was not felt that there is a way to anticipate how long discussions and public comment would take. Additional recommendations are available for review in the July 13 meeting minutes.

The next Policy Committee meeting is scheduled for August 10. Meeting agenda items will include a discussion of the Recreation and Open Space Element staff comments and Commissioner Martin has secured a speaker for discussion on insuring the success of an overall sustainability strategy. Additional recommendations for agenda items as time allows include an update on the Urban Forest Plan, Bike Plan, and then to refine the list of meeting practices. The Committee won't be hearing a presentation on the Hunters Point Shipyard Candlestick Point item since speakers are not available, but may hear a report on the status of Treasure Island planning. Treasure Island was selected as a model project under the Clinton Climate Initiative and it would be useful to hear an update.

14. Commission Secretary's Report. (Explanatory Document: Commission Secretary's Report (Word)

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/CommissionSecretaryReport072809.doc> (Information and Discussion)

Monica Fish, Commission Secretary presented a written report on Communications and Correspondence received for the Commission since the May 24, 2009 meeting and an update on pending City legislation. Ms. Fish also provided Commissioners a Commission future agenda item checklist.

15. Director's Report. (Explanatory Document: Director's Report (Word)

[http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/DirectorsReportJuly2009\(1\).doc](http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/DirectorsReportJuly2009(1).doc) Updates on Department of the Environment administrative and programmatic operations relating to Budget Planning, Strategic Planning, Clean Air, Climate Division, Outreach and Education Division, Environmental Justice Division, Zero Waste, Toxics Reduction Program, and the Urban Forestry Division. (Information and Discussion)

Deputy Director Assmann presented a written Director's Report for review. No additional discussion was held at this time.

- 16. Announcements.** (Information and Discussion) Commissioner Martin inquired about the Eco Center renovations. Deputy Director Assmann stated that the Eco Center is under construction and the demolition is complete and rebuild has started. It will be a four-week process and the Department is about a week and a half into the process at this time. The renovation is financed by an outside grant that was received for redesigning the Eco Center.

Commissioner King requested that he not be provided with paper files in the future and that all Commission documents be provided by email to him through a PDF file. It was requested that the Commission Secretary bring a disk of the packet to the meeting as a backup. Commissioner King indicated that he would be bringing his laptop to future meetings in order to access the electronic version of the packet. Ms. Fish reported that would be possible. Deputy Director Assmann stated that he would discuss what possibilities would be available with the staff IT person and suggested the possibility of providing laptops so information could be provided electronically to all Commissioners. Commissioner Mok stated that it may be difficult to make notations through a screen version of a PDF file.

Item 17 was heard after Item 18.

- 17. President's Announcements.** (Information and Discussion) President Pelosi Jr. reported that the most significant initiatives at this time are the energy-efficiency and solar programs. It was explained that there is over \$7 million distributed in a partnership with the PUC and PG&E for energy-efficiency programs that are creating jobs, reducing San Francisco's carbon footprint, and providing opportunity for government to work with individuals and companies in a positive way. President Pelosi Jr. stated that the Commission should look to the retreat to organize around other principles that can foster this good working relationship between the community and government.

- 18. New Business/Future Agenda Items.** (Information, Discussion and Possible Action) Vice President Gravanis thanked Ms. Fish for providing a Future Agenda Checklist and stated that it would be helpful in identifying future agenda items. Commissioner King requested an update on congestion management pricing. President Pelosi Jr. recommended focusing on community outreach and identifying which of the Department's legislative interests and initiatives the Commission could provide assistance on as well as finding a balanced approach to identifying programs.

- 19. Public Comments:** Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. There was no public comment at this time.

- 20. Adjournment.** The Commission meeting adjourned at 6:52 p.m.

*** Copies of explanatory documents are available at (1) the Commission's office, 11 Grove Street, San Francisco, California between the hours of 9 a.m. and 5 p.m., (2) on the Commission's website at http://sfgov.org/site/sfenvironment_meeting.asp?id=61004; (3) by clicking on the links by each agenda item above, (4) upon request to the Commission Secretary, at telephone number 415-355-3709, or via e-mail at Monica.Fish@sfgov.org within three business days of a meeting. Explanatory documents that are received after posting of this agenda are available on the website or upon request to the Commission Secretary at the contact information listed above.*

Respectfully submitted by,
Monica Fish, Commission Secretary
TEL: (415) 355-3709
FAX: (415) 554-6393

*Approved: September 22, 2009

CITY AND COUNTY OF SAN FRANCISCO
COMMISSION ON THE ENVIRONMENT

GOVERNMENT
DOCUMENTS DEPT

NOTICE OF MEETING AND AGENDA
TUESDAY, SEPTEMBER 22, 2009, 5:00 P.M.
City Hall, Room 416
San Francisco, CA 94102

SEP 17 2009

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PUBLIC LIBRARY

COMMISSION MEMBERS: Commissioners Paul Pelosi Jr. (President), Ruth Gravanis (Vice-President), Angelo King, Alan Mok, Jane MarieFrancis Martin, Matt Tuchow, Johanna Wald

ORDER OF BUSINESS

Public comment will be taken before the Commission takes action on any item.

1. **Call to Order and Roll Call.**
2. **Adoption of Minutes of the July 28, 2009 Commission Regular Meeting.** (Explanatory Document: July 28, 2009 Draft Minutes http://sfgov.org/site/sfenvironment_page.asp?id=109026) (Discussion and Action)
3. **Public Comments:** Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda.
4. **Urban Accord Action 16 Environmental Health. Approval of the 2009-12 Green Purchasing Priorities List.** Sponsor: Jared Blumenfeld, Director; Speaker: Dr. Chris Geiger, Green Purchasing Manager (Explanatory Document: 2009-12 Green Purchasing Priorities List) (Informational Presentation, Discussion, and Action)
5. **Urban Accord Actions 10-12 Urban Nature. Review and Approval of Department of the Environment Staff and Policy Committee Recommendations on the Recreation and Open Space Element (ROSE) to submit to the Planning Department.** Sponsors: Vice-President Gravanis and Commissioner Martin; Speaker: David Assmann, Deputy Director (Explanatory Document: ROSE Comments) (Discussion and Action)
6. **Review and Approval of Policy Committee Recommendations Regarding the Operations and Practices of the Full Commission and its Committees.** Sponsor and Speaker: Vice-President Gravanis (Explanatory Document: Proposed Recommendations) (Discussion and Action)
7. **Operations Committee Report.** (Information and Discussion)
Chair's Report: Review of the agenda for the upcoming meeting of October 21, 2009 at 5:00 p.m., to be held at the Department of the Environment Eco Center.
8. **Policy Committee Report.** (Information and Discussion)
Chairs Report: Highlights of the August 10 and September 14, 2009 meetings and review of the agenda for the October 26, 2009 meeting to be held at City Hall, Room 421.
9. **Commission Secretary's Report.** (Explanatory Document: Commission Secretary's Report (Information and Discussion))
 - Monica Fish, Commission Secretary
 - Communications and Correspondence
 - Update on Pending City Legislation

10. Director's Report. (Explanatory Document: Director's Report) Updates on Department of the Environment administrative and programmatic operations relating to Budget Planning, Strategic Planning, Clean Air, Climate Division, Outreach and Education Division, Environmental Justice Division, Zero Waste, Toxics Reduction Program, and the Urban Forestry Division. (Information and Discussion)

11. Announcements. (Information and Discussion)

12. President's Announcements. (Information and Discussion)

13. New Business/Future Agenda Items. (Information, Discussion and Possible Action)

14. Public Comments: Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda.

15. Adjournment.

Monica Fish, Commission Secretary; TEL: (415) 355-3709; FAX: (415) 554-6393

The next Meeting of the Commission on the Environment is scheduled for Tuesday, November 24, 2009, 5:00 p.m. at City Hall, Room 416.

***** Copies of explanatory documents are available at (1) the Commission's office, 11 Grove Street, San Francisco, California between the hours of 9 a.m. and 5 p.m., (2) on the Commission's website http://sfgov.org/site/sfenvironment_meeting.asp?id=61004; (3) by clicking on the links by each agenda item above, (4) upon request to the Commission Secretary, at telephone number 415-355-3709, or via e-mail at Monica.Fish@sfgov.org within three business days of a meeting.*** If any materials related to an item on this agenda have been distributed to the Commission after distribution of the agenda packet, those materials are available for public inspection at the Department of the Environment, 11 Grove Street, San Francisco, CA 94102 during normal office hours or will be made available at the ***Commission's website http://sfgov.org/site/sfenvironment_meeting.asp?id=61004*** as links to the agenda or meeting minutes (by item).

Important Information

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

NOTE: Persons unable to attend the meeting may submit to the Commission on the Environment, by the time the proceedings begin, written comments regarding the agenda items above. These comments will be made a part of the official public record and shall be brought to the attention of the Commission on the Environment members. Any written comments should be sent to: Commission Secretary of the Environment, 11 Grove Street, San Francisco, CA 94102 by 5:00 p.m. on the day prior to the hearing. Comments that cannot be delivered to the Commission Secretary by that time may be taken directly to the hearing at the location above. When bringing handouts to meetings, please photocopy on both sides of the paper and try to use post-consumer recycled or tree-free paper. Also, please bring sufficient copies of handouts for the Commission, the Commission Secretary and the public.

Public Comment

At this time, members of the public may address the Commission on items of interest that are within the subject matter jurisdiction of the Commission but are not on today's agenda. Public comment will be taken following each agendized item. Each member of the public may address the Commission for up to three minutes, unless otherwise announced by the President. If it is demonstrated that the comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

The Brown Act forbids the Commission from taking action or discussing any item or issue not appearing on the posted agenda. This rule applies to issues raised in public comment as well. In response to public comment, not on an agendized item, the Commission is limited to:

1. Briefly responding to statements made or questions posed by members of the public, or
2. Request staff to report back on a matter at a subsequent meeting, or

3. Directing staff to place the item or issue on a future agenda (Government Code Section 54954.2(a).)

Disability Access

The Commission on the Environment meeting is held at City Hall, Room 416 in the Civic Center Area. The Commission meeting rooms are wheelchair accessible. The closest accessible BART station is the Civic Center Station at United Nations Plaza and Market Street. Accessible MUNI lines serving this location are: #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro Stations at Van Ness and Market and at Civic Center. For information about MUNI accessible services call (415) 923-6142. There is accessible curbside parking adjacent to City Hall on Grove Street and Van Ness Avenue and in the vicinity of the Veterans Building at 401 Van Ness Avenue adjacent to Davies Hall and the War Memorial Complex.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. Individuals with chemical sensitivity or related disabilities should call the Mayor's Office on Disability at (415) 554-6789 or (415) 554-6799 (TTY) for additional information.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact Monica Fish at (415) 355-3709 to make arrangements for the accommodation. Late requests will be honored, if possible.

**Know your rights under the Sunshine Ordinance
(Chapter 67 of the San Francisco Administrative Code)**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force, Sunshine Task Force Administrator, City Hall, Room 409, One Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683 at Phone No.: (415) 554-7724; Fax No.: (415) 554-7854; E-mail: sotf@sfgov.org. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.sfgov.org.

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100, et. seq] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at: 25 Van Ness Avenue, 2nd Floor, San Francisco, CA 94102; telephone (415) 252-3100, fax (415) 252-3112, web site at www.sfgov.org/ethics.

Posted: September 16, 2009





SF Environment

Our home. Our city. Our planet.



GAVIN NEWSOM
Mayor

JARED BLUMENFELD
Director

Date: September 22, 2009

To: Honorable Commissioners, Commission on the Environment

From: Commission on the Environment Policy Committee

Re: Operations and Procedures; Agenda-setting criteria and Speaker Presentation Time Proposal

Agenda-setting criteria

Given the enormous number of issues within the purview of the Commission on the Environment, and the limited amount of time to address them, it is proposed that a set of criteria be adopted to provide a guideline for prioritizing proposed agenda items to make the best use of the Commission's time and resources and to assure that it best meets its mandates and goals.

Proposed Motion:

In deciding which items to place on any agenda of the Commission on the Environment or its committees, those responsible for agenda setting will consider these guidelines:

- A) Periodically review the relevant language in the City Charter and the COE Bylaws. (See excerpts that follow.)
- B) Assure adequate time on the agenda for required items, such as budget approval, adoption of strategic plan, nomination and election of officers, adoption of approved pesticide list, and so on.
- C) When the number of items proposed for an agenda would result in an overly long meeting, consider the following in prioritizing items and selecting a reasonable number, given the estimated time that each would take:
 - 1) To what degree is the item consistent with the COE's purpose?
 - 2) If the item is to be a public hearing, is it more appropriately heard at COE than at some other department or agency? Might it warrant a joint hearing with some other commission? Are there sufficient staff resources to follow up on recommendations generated in such a hearing? Are the means available to assure that all relevant parties are notified of the hearing, especially if it's controversial?

- 3) If the item is informational only, with little or no discussion anticipated, could that information be better provided in a written report emailed to commissioners and posted on the website?
- 4) If an action item, has it gone to the appropriate committee for a recommendation? If not, is the matter urgent enough to declare an “emergency” that warrants bypassing the committee stage?
- 5) Can the item be postponed to a future meeting?
- 6) Would the item be more appropriate for a committee rather than the full commission? Or, should it go to a committee before it goes to the full commission?
- 7) In determining which committee an item should go to, or go to first, review the Bylaw provisions regarding committee duties:

Section 7: Operations Committee

The Operations Committee shall have general responsibility for the budget, financial planning and operations of the Department of the Environment. This Committee shall work with the Director and make recommendations to the Commission for the financial well-being and effective administration of the Department’s programs and activities, including the management of environmental programs, duties, and functions which have been assigned to the Department pursuant to Section 4.118 of the City Charter or by ordinance. This Committee shall also oversee the public education and outreach to the community on environmental issues and address issues regarding the environmental well-being of the City.

Section 8: Policy Committee

The Policy Committee shall have general responsibility for and oversee the long-term planning and policy development activities of the Department of the Environment, including the Department’s assessment of San Francisco’s environmental conditions, the development and update of plans for the long-term environmental sustainability of San Francisco, and the review and development of recommendations on any policy proposed for adoption by any City agency regarding conformity with the long-term plans for environmental sustainability. Specifically, the Policy Committee will focus on developing a plan for San Francisco to achieve the goal of zero waste to landfill by year 2020, and will explore resource conservation opportunities in the areas of water and toxins reduction. Furthermore, the Policy Committee shall **work with** the Operations Committee and the Director of the Department of the Environment, to develop recommendations regarding restructuring of environmental programs and activities among the City agencies and departments.

[At some point, we may wish to revisit this list and also to discuss by what mechanism the two committees are to “work with” each other.]

It is also possible that the item might best be assigned to a special, short-term committee or task force:

Section 9: Other Committees

The Commission and/or the President, at his or her discretion, may establish other committees or task forces on an ad-hoc basis to perform tasks or functions as necessary, or to address issues outside the purview of the standing committees.

The Commission on the Environment Mission, from the COE Bylaws:

The mission of the Commission on the Environment is to improve, enhance, and preserve the environment; and to promote San Francisco’s long-term environmental sustainability as laid out in Section 4.118 of the City Charter.

From the City Charter:

SEC. 4.118. COMMISSION ON THE ENVIRONMENT.

The Department of the Environment shall regularly produce an assessment of San Francisco's environmental condition. It shall also produce and regularly update plans for the long-term environmental sustainability of San Francisco.

Pursuant to the policies and directives set by the Commission, and under the supervision and direction of the department head, the Department shall manage the environmental programs, duties and functions assigned to it pursuant to Section 4.132 or by ordinance.

The Commission shall have the authority to review and make recommendations on any policy proposed for adoption by any City agency regarding conformity with the long-term plans for environmental sustainability, except for those regarding building and land use.

The Commission may investigate and make recommendations to all City agencies related to operations and functions, such as:

1. Solid waste management;
2. Recycling;
3. Energy conservation;
4. Natural resource conservation;
5. Environmental inspections;
6. Toxics;
7. Urban forestry and natural resources;
8. Habitat restoration; and
9. Hazardous materials.

The Commission shall conduct public education and outreach to the community on environmental issues, including, but not limited to each of the categories listed above.

Speaker Presentation Time Proposal

The Policy Committee recommends to the full Commission that it adopt a procedure whereby:

- 1) The agenda item sponsor, in consultation with the Commission President, Executive Director and Commission Secretary, will come to an agreement with each speaker for that item regarding the length of time to be allotted for that speaker's prepared presentation;
- 2) The agreed upon presentation times will be indicated on the agenda item request form to be submitted to the Commission Secretary at least seven days in advance of the meeting;
- 3) The agreed upon presentation times will be indicated on the meeting agendas; and
- 4) Prepared presentations will be timed. Speakers will be allowed, if they wish, to speak for the full amount of time agreed upon in advance.

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CITY AND COUNTY OF SAN FRANCISCO
COMMISSION ON THE ENVIRONMENT

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REGULAR MEETING
DRAFT MINUTES

OCT - 5 2009

TUESDAY, SEPTEMBER 22, 2009, 5:00 P.M.
CITY HALL, ROOM 416, SAN FRANCISCO, CA 94102

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COMMISSION MEMBERS: Commissioners Paul Pelosi Jr. (President), Ruth Gravanis (Vice-President), Angelo King, Jane MarieFrancis Martin, Alan Mok, Matt Tuchow, Johanna Wald

ORDER OF BUSINESS

Public comment will be taken before the Commission takes action on any item.

1. **Call to Order and Roll Call.** The Commission on the Environment Meeting was called to order at 5:08 p.m. Present: President Pelosi Jr., Vice-President Gravanis, Commissioners Martin, Mok, Tuchow and Wald. Absent: Commissioner King.
2. **Adoption of Minutes of the July 28, 2009 Commission Regular Meeting.** (Discussion and Action) Upon Motion by Commissioner Wald and second by Vice President Gravanis, the July 28, 2009 Meeting Minutes were approved as written (AYES: President Pelosi Jr., Vice-President Gravanis, Commissioners Martin, Mok, Tuchow and Wald; Absent: Commissioner King) (Explanatory Document: July 28, 2009 Approved Minutes http://sfgov.org/site/sfenvironment_page.asp?id=109026).
3. **Public Comments:** Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. There was no public comment at this time.
4. **Urban Accord Action 16 Environmental Health. Approval of the 2009-12 Green Purchasing Priorities List.** Sponsor: Jared Blumenfeld, Director; Speaker: Dr. Chris Geiger, Green Purchasing Manager (Explanatory Document: 2009-12 Green Purchasing Priorities Summary (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/SF%20GreenPurchasingPrioritiesSUMMARY091809.pdf>) (Informational Presentation, Discussion, and Action)

Dr. Geiger reported that the 2009-12 Green Purchasing Priorities List shows product categories that would be worked on within the next three years for the Green Purchasing Program. The San Francisco Precautionary Purchasing Ordinance requires that this list be re-examined every three years and brought to the Commission for approval. Dr. Geiger reported three years ago, a public process was held to identify what important criteria should be used in making purchasing decisions and is used as a reference document (Explanatory Document: Environmental & Health Criteria for Scoring Targeted Product Categories (PDF) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/PPOTPCcriteriafordistribution.pdf>). An effort was made this year to make product categories more specific. A staff review process was held working with the Office of Contract Administration to review contracts in progress, contract size, their cost-effectiveness, and to determine which contracts would have the most potential environmental impacts and make sense to spend time on.

Dr. Geiger reported that as a result of the Mayor's Executive Order on foods issued approximately a month ago, work has begun on a citywide dairy contract. Graffiti-removers would be an example of a kind of product that contains hazardous ingredients and is important to identify green criteria for in order to protect City workers. Dr. Geiger stated that a recent Examiner Article and subsequent coverage on Channel 2 this evening misinterpreted the Green Purchasing Priorities List as a report and not a list of priorities. Another important category that has a huge contract dollar value, serves an important function, and contains mostly hazardous ingredients is disinfectants. An alternative analysis is in progress for this category so that recommendations for new safer products can be made.

Commissioner Martin inquired whether a recommendation is being made to paint over graffiti instead of using graffiti-removers. Dr. Geiger stated that the process for reviewing effective alternative products, such as soy and orange-oil based products is currently in progress. In a lot of cases, painting would be less hazardous than using remover, and is the common practice that the Department of Public Works (DPW) uses. DPW also removes graffiti through the use of a baking soda machine that works well on brick and concrete and can possibly be shared with other departments.

Commissioner Martin inquired about the weed barriers and mulches category. Dr. Geiger stated that there was a request made by the Integrated Pest Management Program to identify the type of weed barriers that would get the job done, e.g., plastic weed cloth, biodegradable alternatives, or just the mulches. Dr. Geiger hopes to compare these products in the next three years.

Commissioner Tuchow inquired whether there should be another column added recommending the various criteria for the requirement listed in the San Francisco Green Purchasing Priorities List stating that "San Francisco Environment may develop green purchasing specifications, add products to the SF Approved Catalog, and/or require City departments to buy only products in the SF Approved Catalog." Dr. Geiger explained that it is hoped that departments either be required to use products from the list or recommend to the Department of Environment a product that they have tried, so that in the future it can become a mandatory product. Dr. Geiger stated that as an example, for computer servers, there is a requirement to purchase either Climate Savers or Energy Star products, but this category is incomplete and is a developing area in terms of specifications. Another example would be the requirement for food containers--there is an effort to improve the recommendations for different products to add to the contract. For janitorial cleaners, there are four categories that are required now, e.g. window, general purpose, etc. but the rest are all suggested at this point.

Commissioner Tuchow inquired whether the City still purchases a large amount of plastic bags. Dr. Geiger explained that the City purchases plastic-trash bags and is now working on that contract in order to secure maximum recycled content in the plastic bags and a good price on compostable bags for composting.

Vice President Gravanis stated that in reference to janitorial disinfectants, in addition to the toxicity problems listed, recommended adding that "the overuse of antimicrobials ends up resulting in more resistant strains of bacteria and viruses and should be noted as a negative impact." Dr. Geiger concurred.

Commissioner Wald inquired whether there are additional reasons other than the screening criteria to use a product from the list. Dr. Geiger stated that a product score sheet is also used. He also explained that the list was so long because the Department wants to maintain its flexibility. There are some products on the list for which there are no options to work on right now. Conversely, for some items, like carpeting, which has a high dollar value for material, there are new standards (e.g. green building) available that can be put in place. Dr. Geiger stated that there are also unpredictable things to consider, e.g., City purchaser requirements, if there is an urgent need for a new contract, and current workloads.

Upon Motion by Vice President Gravanis and second by Commissioner Tuchow, the Green Purchasing Priorities List for 2009-12 was approved without objection (AYES: President Pelosi Jr., Vice-President Gravanis, Commissioners Martin, Mok, Tuchow and Wald; Absent: Commissioner King).

Explanatory Documents Distributed in Commission Meeting: Environmental & Health Criteria for Scoring Targeted Product Categories (PDF)

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/PPOTPCcriteriafordistribution.pdf> and PPO/TPC – Product Category Score Sheet (PDF)

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/PPOTPCfinalscoresheet.pdf>.

5. Urban Accord Actions 10-12 Urban Nature. Review and Approval of Department of the Environment Staff and Policy Committee Recommendations on the Recreation and Open Space Element (ROSE) to submit to the Planning Department. Sponsors: Vice-President Gravanis and Commissioner Martin; Speaker: David Assmann, Deputy Director (Explanatory Document: ROSE Comments (Word))

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/ROSEComments092209.doc> (Discussion and Action)

Vice-President Gravanis stated that the City by state law has a General Plan that includes many elements, one of which is the Recreation and Open Space Element (ROSE). The Planning Department last May issued a draft update of the ROSE, which is supposed to be updated every 25-30 years and is overdue. This topic has been a subject of a number of many different meetings, and the Policy Committee heard a presentation on the Plan from Planning Department staff members at a prior meeting. San Francisco Environment staff members also put a lot of time into commenting on this document that were reviewed by the Policy Committee at their August and September meetings. The explanatory document reflects input from staff with revisions based on comments made at the last Policy Committee meeting.

Deputy Director Assmann provided an overview of staff comments on the Recreation and Open Space Element as detailed in the Explanatory Document: ROSE Comments (Word)

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/ROSEComments092209.doc>

- The Recreation and Open Space Element should include policies to address impacts of Climate Change—specific recommendations were made to strengthen the references and the context around Climate Change.

- ROSE open space system should include the City's water resources and land areas outside the boundaries of the City's mainland including lands that are controlled or owned by the City that are not within the boundaries of San Francisco.
- There needs to be coordination between ROSE and other planning efforts for site specific areas.
- The preservation of sunlight and open space comment should not be used to restrict the planting of tall trees.
- Integrated Pest Management (IPM) Recommendations.
- Consideration should be given to privately-owned public spaces and to reference the study that was put together by SPUR recently.
- Urban Forest recommendations.
- Staff's support of the biodiversity comments put together by Nature in the City.
- Agricultural use of public spaces in the city for local food production.
- Recommended that a set of sustainability objectives should be included in the plan with subheadings that include water, storm-water, carbon emissions, buildings, preserving resources and achieve zero waste, and green building.

Commissioner Martin suggested an amendment on Staff Comments, page 3, #2, to not include weave cloth as a recommendation in order to be consistent with information reviewed by Dr. Geiger. Commissioner Wald recommended that it say non-toxic weave cloth. Commissioner Martin added or biodegradable weave-cloth. Dr. Geiger reported that he has not yet prepared an analysis of weave cloth and would want to compare different types. He stated that he would suspect that plastic weave cloth would fail, but would have more information when a comparison has been made.

Commissioner Martin proposed an additional amendment to state that if irrigation is required, to recommend that it be computerized and reclaimed water as possible. Vice-President Gravanis stated that because both of Commissioner Martin's proposed amendments apply to a quotation pulled from the Treasure Island Sustainability Plan, an editorial technique would have to be made to modify the language to make it clear that the reference is to non-toxic biodegradable weave cloth, and that the use of non-potable water should always be stressed wherever possible as opposed to technology because conservation should be considered first. Vice-President Gravanis recommended that staff consider whether to quote the Treasure Island Sustainability Plan or to add consideration of Integrated Pest Management (IPM) objectives. Deputy Director Assmann concurred with comments made.

Director Blumenfeld introduced Ms. Katherine Howard of Golden Gate Parks Preservation Alliance and thanked her for work for the Recreation and Park Department while he was the

Acting General Manager. Ms. Howard was commended for being a great supporter and deserving of credit for helping to make Outside Lands happen. Ms. Howard was on the Request for Proposal(s) Committee and worked hard to make sure that Golden Gate Park was preserved from stakes and other things during Outside Lands.

Public Comment: Ms. Katherine Howard, Golden Gate Parks Preservation Alliance, spoke and provided a handout with comments and suggested language to be included in Staff's Comments on the Recreation and Open Space Element (Explanatory Document: Comments and Suggested Language—ROSE (Word)

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/GGPPACommentsonROSEReceivedinMtg.doc>). Suggested language included:

A. Policy 1.3 – Support the continued improvement of Golden Gate Park

Language recommendation:

- Eliminate: *Policy 1.3, Improved Permeability* and the accompanying map
- Add: Policy 1.3, #6. Evaluate methods for providing increased security for both Park users and Park wildlife.

B. Language recommendation, Commission document, p. 2, ROSE open space system should include the City's water resources and land areas outside the boundaries of the City's mainland

- Add to Paragraph 2: such as Crystal Springs Reservoir, **Sharp Park in Pacifica**, and Camp Mather....

Vice-President Gravanis spoke in support of Ms. Howard's proposal. Upon Motion by Commissioner Tuchow, second by Commissioner Wald, Ms. Howard's proposed language on behalf of Golden Gate Parks Preservation Alliance was approved for addition into Staff Comments on the Recreation and Open Space Element (AYES: President Pelosi Jr., Vice-President Gravanis, Commissioners Martin, Mok, Tuchow, and Wald) (Absent: Commissioner King).

Upon Motion by Commissioner Tuchow, second by Commissioner Wald, Staff Comments on the Recreation and Open Space Element were approved with amendments proposed by Commissioners (AYES: President Pelosi Jr., Vice-President Gravanis, Commissioners Martin, Mok, Tuchow, and Wald) (Absent: Commissioner King).

6. **Review and Approval of Policy Committee Recommendations Regarding the Operations and Practices of the Full Commission and its Committees.** Sponsor and Speaker: Vice-President Gravanis (Explanatory Document: Proposed Recommendations (Word)

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/OperationsPracticesProposal.doc>) (Discussion and Action)

Vice-President Gravanis reported on the Policy Committee's discussions about ways to streamline meetings without sacrificing content or public participation. One proposal is to focus more effort on how much time each speaker would need and enforcing that time limit through use of a timer and placement of the presentation times the speaker has agreed to on the agenda. Taking less time would be acceptable, but it would be important to give the speaker the time limit agreed upon.

Vice President Gravanis reported on the second proposal that the Policy Committee is recommending on meeting management that includes establishing guidelines for agenda setting. There are sometimes more requests for agenda items than there is time for, and it is useful to have guidelines to be used by all people involved to add the most important items to the agenda. The Policy Committee agreed that these would be used as guidelines instead of actual criteria. The idea is to periodically review the Commission's Bylaws and for the Commission and its Committees to give precedence to items that fulfill their mission as outlined in the Bylaws and guiding documents. The criteria for agenda placement includes consideration of whether it should be an agenda item or a written report, should it go to a Committee first or would it need to go to the full Commission, and other considerations as outlined in the explanatory document. The idea is for people who do the agenda setting to have a checklist if there is any question about what should be placed on the agenda and if there is a question about time available.

President Pelosi Jr. recommended that the Commission consider a Bylaws change in order to hold monthly meetings so that more items can be heard and would result in shorter meetings. He stated that it is important to make sure that there is Commission oversight, and that staff is recognized for their contributions and hard work. Commissioner Martin stated that the intention is not to reduce the number of agenda items, but to apply a time limit so even more items could be added to the agenda if necessary.

Director Blumenfeld recommended holding special meetings as needed in order to examine the requirement for monthly meetings and then proposing a Bylaws amendment if required. He also concurred with the proposal and stated that the intent is for the Committees to do the work so Commission meetings would be more pro-forma. President Pelosi Jr. suggested moving ahead with recommendations today and considering a Bylaws amendment in the future as he felt that the special meeting process was cumbersome. Vice-President Gravanis commended Department staff on their work and motivation and stated that the Commission should find more ways to thank and recognize them, but does not know if it is through agenda setting.

Upon Motion by Commissioner Tuchow and second by Commissioner Martin, the proposed Recommendations Regarding the Operations and Practices of the Full Commission and its Committees were approved without objection. (AYES: President Pelosi Jr., Vice-President Gravanis, Commissioners Martin, Mok, Tuchow and Wald; Absent: Commissioner King)

7. Operations Committee Report. (Information and Discussion)

Chair's Report: Review of the agenda for the upcoming meeting of October 21, 2009 at 5:00 p.m., to be held at the Department of the Environment Eco Center.

Operations Committee Chair Tuchow reported that the Operations Committee was not scheduled to meet since the July 28 Commission meeting and asked Commissioners for their agenda item suggestions for the October 21 meeting.

8. Policy Committee Report. (Information and Discussion)

Chairs Report: Highlights of the August 10 and September 14, 2009 meetings and review of the agenda for the October 26, 2009 meeting to be held at City Hall, Room 421.

Policy Committee Chair Wald reported that at the August 10 meeting, there was an extensive and informative discussion on the San Francisco Sustainability Plan and sustainability planning. The Minutes of the meeting are available that outline the topics discussed. At the September 14 meeting, there was an extensive discussion of the Department's comments on the Recreation and Open Space Element and the Recommendations for the Operations and Practices of the Commission that the Commission has voted on at this meeting. If Hunters Point Shipyard Candlestick Point update is not heard at the next meeting scheduled for October 26, it is anticipated that cell phone safety and pharmaceuticals would be discussed.

9. Commission Secretary's Report. (Explanatory Document: Commission Secretary's Report

(Word) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/CommissionSecretaryReport092209.doc>)
(Information and Discussion)

Monica Fish, Commission Secretary

- **Communications and Correspondence**
- **Update on Pending City Legislation**

Commission Secretary Monica Fish provided a written report on legislative activities and all correspondence received since the last meeting on July 28 (Explanatory Document: Commission Secretary's Report (Word)

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/CommissionSecretaryReport092209.doc>). Ms. Fish asked the Commissioners to pay special attention to the requirement by the Department of Human Resources to complete the Mandatory Harassment training by December 31, 2009. The memorandum and instructions were included in the Commission packet.

10. Director's Report. (Explanatory Document: Director's Report (Word)

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/DirectorsReportSept2009.doc>) Updates on Department of the Environment administrative and programmatic operations relating to Budget Planning, Strategic Planning, Clean Air, Climate Division, Outreach and Education Division, Environmental Justice Division, Zero Waste, Toxics Reduction Program, and the Urban Forestry Division. (Information and Discussion)

Director Blumenfeld provided a written report (Word)

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/DirectorsReportSept2009.doc> and discussed the following topics:

- The Policy Committee at their September 14 meeting recommended that specific topics from the Director's Report be discussed at Policy Committee meetings in more detail as requested;
- The September 19 San Francisco Chronicle article on the Department's work on dry cleaning that should be brought to a future Policy Committee meeting. A thorough analysis was made of different types of dry cleaning-chemicals and solvents used to clean garments. Ms. Raphael's Toxics Reduction program team did an outstanding job working on this effort for the last two years with state agencies.
- Legislation is moving forward on truth in advertising that only allows the use of the words green, organic, or biodegradable if it really is.

- The Board of Supervisors Finance and Budget Committee at their September 23 meeting will be reviewing legislation on the energy-efficiency grant program as it applies to property tax and transfer of property.
- The Board of Supervisors Government Oversight and Audits Committee at their September 24 meeting will be hearing the conclusions of the Peak Oil Preparedness Task Force that the Department of Environment supports.
- An annual senior staff retreat will be scheduled for mid-October to discuss the Sustainability Plan and the role of strategic planning within the Department. One of the Policy Committee members has agreed to attend the meeting. The meeting date will be announced. The plan will include elements that are not included in the Plan and the Department would want to focus on.
- Recology, which is the successor in name to Norcal, was the winner of the Request for Proposal(s) process for landfill. There is a fifteen-day process by which the decision can be appealed, and appeals have been lodged. The contract will be negotiated and then will go to the Board of Supervisors for approval. It will be a three to six-month process.
- The 2008 landfill numbers were the lowest on record, a 10% reduction from 2007. This is significant because it does not include the majority of the recession year, which should bring the numbers down even further.
- Outreach—Volunteers brought green pails to 7000 apartments.
- The Department of the Environment is engaged in an effort to capitalize on President Obama's stimulus money on the "Jobs Now" program. The program pays 80% of the salary for folks who are 200% below the poverty line. Department hopes to use about 100 of these folks to mobilize around the Mandatory Recycling Ordinance implementation on October 21 and sign up more businesses for the Energy Watch program. A follow-up report will be given at the next Commission meeting.

Commissioner Martin inquired whether Recology's landfill is in Nevada. Director Blumenfeld reported that Recology is a big company that has a landfill site in Nevada, but that San Francisco's waste would be going to Yuba County, not Nevada. Commissioner Martin asked whether carbon credit offsets could be used for the filming of "Trauma?" Director Blumenfeld stated that carbon credit offsets could be offered for just about anything.

- 11. Announcements.** (Information and Discussion) Vice President Gravanis announced (1) that the San Francisco Public Utilities Commission would be holding a "Big Blue Bucket" event this Saturday on Jerrold and Phelps Streets, which is an event where you can bring your unwanted pharmaceuticals. There would also be other activities at this event; and (2) there has been more volunteer activity on Yerba Buena Island. She was there last Friday with the manager of the Green Hairstreak Project, a butterfly conservation effort, and counted nine different species of butterflies and more than 100 individuals.

Commissioner Mok announced (1) that there is a "Bring Your Own Bag Campaign" at Andronico's on Irving Street that will be held on Wednesday, September 23 at 10:30 a.m. which he invited Commissioners to attend, and (2) inquired how Commissioners can enroll in the West Coast Green Expo starting on October 1. Director Blumenfeld stated that Commissioners who would be interested in attending the West Coast Green Expo should access the www.westcoastgreen.org website and relay which events they would be interested in attending to Ms. Raphael, who would make an inquiry about tickets.

Commissioner Martin announced (1) that she had solar installed on her building because of the City incentive and commended the success of the program and worker efforts; and (2) that she designed a "Pavement to Parks" project that is almost finished on Guerrero and 28th Streets that utilized mostly reclaimed material from Golden Gate Park.

- 12. President's Announcements.** (Information and Discussion) There were no announcements made at this time.
- 13. New Business/Future Agenda Items.** (Information, Discussion and Possible Action) There was no new business or future agenda items discussed at this time.
- 14. Public Comments:** Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. There was no public comment at this time.
- 15. Adjournment.** The Commission on the Environment meeting adjourned at 6:03 p.m.

*** Copies of explanatory documents are available at (1) the Commission's office, 11 Grove Street, San Francisco, California between the hours of 9 a.m. and 5 p.m., (2) on the Commission's website at http://sfgov.org/site/sfenvironment_meeting.asp?id=61004; (3) by clicking on the links by each agenda item above, (4) upon request to the Commission Secretary, at telephone number 415-355-3709, or via e-mail at Monica.Fish@sfgov.org within three business days of a meeting. Explanatory documents that are received after posting of this agenda are available on the website or upon request to the Commission Secretary at the contact information listed above.*

Respectfully submitted by,
Monica Fish, Commission Secretary

TEL: (415) 355-3709
FAX: (415) 554-6393

*Approved:





SF Environment

Our home. Our city. Our planet.



GAVIN NEWSOM
Mayor

JARED BLUMENFELD
Director

CITY AND COUNTY OF SAN FRANCISCO
COMMISSION ON THE ENVIRONMENT

GOVERNMENT
DOCUMENTS DEPT

11/24/09
NOTICE OF MEETING AND AGENDA
TUESDAY, NOVEMBER 24, 2009, 5:00 P.M.
CITY HALL, ROOM 416
SAN FRANCISCO, CA 94102

NOV 19 2009

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COMMISSION MEMBERS: Commissioners Paul Pelosi Jr. (President), Ruth Gravanis (Vice-President), Angelo King, Alan Mok, Jane MarieFrancis Martin, Matt Tuchow, Johanna Wald

ORDER OF BUSINESS
Public comment will be taken before the Commission takes action on any item.

1. Call to Order and Roll Call.
2. **CLOSED SESSION – PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
 - a. Public comment on all matters pertaining to the closed session.
 - b. Vote on whether to hold closed session to evaluate the performance of the Executive Director, Jared Blumenfeld. (Cal. Govt. Code § 54957; SF Admin. Code § 67.10(b).) [ACTION]
 - c. Possible closed session to evaluate the performance of the Executive Director, Jared Blumenfeld. (Cal. Govt. Code § 54957; SF Admin. Code § 67.10(b).) [DISCUSSION AND POSSIBLE ACTION]
 - d. Reconvene in open session:
 1. Possible report on action taken in closed session and the vote thereon. (Cal. Govt. Code § 54957.1(a); SF Admin. Code § 67.12(b).)
 2. Vote to elect whether to disclose any or all discussions held in closed session. (Cal. Govt. Code § 54957.1(a); SF Admin. Code § 67.12(b).) [ACTION]

5:20 p.m.

3. **Adoption of Minutes of the September 22, 2009 Commission Regular Meeting.** (Explanatory Document: September 22, 2009 Draft Minutes http://sfgov.org/site/sfenvironment_page.asp?id=111732) (Discussion and Action)
4. **Public Comments:** Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda.

5. Commission Process for Nominations for the Position of Director of the Department of the Environment and Formation of Nomination Committee. **SPEAKERS:** Thomas Owen, Deputy City Attorney—Presentation Time: 5 minutes and President Pelosi Jr. (5 minutes) (Discussion and Action)
6. Resolution Commending Jared Blumenfeld, Director of the Department of the Environment, for his Service to the Department of the Environment and City and County of San Francisco. **SPONSOR:** Commission President Paul Pelosi Jr. (Explanatory Document: Resolution File 2009-05-COE (Word) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/Res2009-05-COEJBlumenfeldCommendationResolution.doc>) (Discussion and Action)
7. Approval of Letter on Behalf of the Commission on the Environment to the Bay Area Air Quality Management District (BAAQMD) Board of Directors asking for (1) the support of their agency in partnering with the San Francisco Department of the Environment to promote safer garment cleaning technologies like wet cleaning and (2) requesting that the BAAQMD Board adopt regulations that accelerate the phase out of the most toxic dry cleaning solvent, perchloroethylene. **STAFF SPEAKERS:** Debbie Raphael, Toxics Reduction Program Manager and Sushma Dhalipala, Commercial Toxics Reduction Coordinator (5 minutes) (Explanatory Document: Commission Letter to the BAAQMD) (Discussion and Action)
8. Overview of the “Environment Now” Program. **SPONSOR:** Jared Blumenfeld, Director; **STAFF SPEAKERS:** David Assmann, Deputy Director--Presentation Time: 5 minutes and Donny Oliveira, Green Jobs Coordinator--Presentation Time: 15 minutes (Informational Report and Discussion)
9. Update on the Mandatory Recycling and Composting Ordinance. **SPONSOR:** Commission Vice President Ruth Gravanis; **STAFF SPEAKER:** Jack Macy, Commercial Recycling Coordinator--Presentation Time: 5 minutes (Informational Report and Discussion)
10. Update on the New Landfill Search Request for Proposal (RFP). **SPONSOR:** Jared Blumenfeld, Director; **STAFF SPEAKER:** David Assmann, Deputy Director—Presentation Time: 10 minutes (Informational Report and Discussion)
11. Expression of Interest in Commission Office (President and Vice-President) and Nomination of Candidates for the Election at the Commission Meeting on January 26, 2010. (Discussion and Action)
12. Agenda Planning for the Commission on the Environment Retreat. (Discussion)
13. Operations Committee Report. (Information and Discussion)
Chair's Report: Highlights of the October 19, 2009 Meeting and review of the agenda for the January 20, 2010 meeting to be held at the Department of the Environment Eco Center at 11 Grove Street.
14. Policy Committee Report. (Information and Discussion)--Chairs Report: Highlights of the October 26 and November 9, 2009 meetings and review of the agenda for the December 14, 2009 meeting to be held at City Hall, Room 421.
15. Commission Secretary's Report. (Explanatory Document: Commission Secretary's Report) (Information and Discussion) Monica Fish, Commission Secretary
 - Communications and Correspondence
 - Update on Pending City Legislation

16. Director's Report. (Explanatory Document: Director's Report) Updates on Department of the Environment administrative and programmatic operations relating to Budget Planning, Strategic Planning, Clean Air, Climate Division, Outreach and Education Division, Environmental Justice Division, Zero Waste, Toxics Reduction Program, and the Urban Forestry Division. (Information and Discussion)

17. Announcements. (Information and Discussion)

18. President's Announcements. (Information and Discussion)

19. New Business/Future Agenda Items. (Information, Discussion and Possible Action)

20. Public Comments: Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda.

21. Adjournment.

Monica Fish, Commission Secretary; TEL: (415) 355-3709; FAX: (415) 554-6393

The next meeting of the Commission on the Environment is scheduled for Tuesday, January 26, 2010, 5:00 p.m. at City Hall, Room 416.

*** Copies of explanatory documents are available at (1) the Commission's office, 11 Grove Street, San Francisco, California between the hours of 9 a.m. and 5 p.m., (2) on the Commission's website http://sfgov.org/site/sfenvironment_meeting.asp?id=61004; (3) by clicking on the links by each agenda item above, (4) upon request to the Commission Secretary, at telephone number 415-355-3709, or via e-mail at Monica.Fish@sfgov.org within three business days of a meeting.* If any materials related to an item on this agenda have been distributed to the Commission after distribution of the agenda packet, those materials are available for public inspection at the Department of the Environment, 11 Grove Street, San Francisco, CA 94102 during normal office hours or will be made available at the **Commission's website** http://sfgov.org/site/sfenvironment_meeting.asp?id=61004 as links to the agenda or meeting minutes (by item).

Important Information

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

NOTE: Persons unable to attend the meeting may submit to the Commission on the Environment, by the time the proceedings begin, written comments regarding the agenda items above. These comments will be made a part of the official public record and shall be brought to the attention of the Commission on the Environment members. Any written comments should be sent to: Commission Secretary of the Environment, 11 Grove Street, San Francisco, CA 94102 by 5:00 p.m. on the day prior to the hearing. Comments that cannot be delivered to the Commission Secretary by that time may be taken directly to the hearing at the location above. When bringing handouts to meetings, please photocopy on both sides of the paper and try to use post-consumer recycled or tree-free paper. Also, please bring sufficient copies of handouts for the Commission, the Commission Secretary and the public.

Public Comment

At this time, members of the public may address the Commission on items of interest that are within the subject matter jurisdiction of the Commission but are not on today's agenda. Public comment will be taken following each agendized item. Each member of the public may address the Commission for up to three minutes, unless otherwise announced by the President. If it is demonstrated that the comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

The Brown Act forbids the Commission from taking action or discussing any item or issue not appearing on the posted agenda. This rule applies to issues raised in public comment as well. In response to public comment, not on an agendized item, the Commission is limited to:

1. Briefly responding to statements made or questions posed by members of the public, or

2. Request staff to report back on a matter at a subsequent meeting, or
3. Directing staff to place the item or issue on a future agenda (Government Code Section 54954.2(a).)

Disability Access

The Commission on the Environment meeting is held at City Hall, Room 416 in the Civic Center Area. The Commission meeting rooms are wheelchair accessible. The closest accessible BART station is the Civic Center Station at United Nations Plaza and Market Street.

Accessible MUNI lines serving this location are: #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro Stations at Van Ness and Market and at Civic Center. For information about MUNI accessible services call (415) 923-6142. There is accessible curbside parking adjacent to City Hall on Grove Street and Van Ness Avenue and in the vicinity of the Veterans Building at 401 Van Ness Avenue adjacent to Davies Hall and the War Memorial Complex.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. Individuals with chemical sensitivity or related disabilities should call the Mayor's Office on Disability at (415) 554-6789 or (415) 554-6799 (TTY) for additional information.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact Monica Fish at (415) 355-3709 to make arrangements for the accommodation. Late requests will be honored, if possible.

Know your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force, Sunshine Task Force Administrator, City Hall, Room 409, One Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683 at Phone No.: (415) 554-7724; Fax No.: (415) 554-7854; E-mail: sotf@sfgov.org. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.sfgov.org.

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100, et. seq] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at: 25 Van Ness Avenue, 2nd Floor, San Francisco, CA 94102; telephone (415) 252-3100, fax (415) 252-3112, web site at www.sfgov.org/ethics.

Posted: November 19, 2009

1 [Commending Jared Blumenfeld, Director, Department of the Environment]

2
3 **Approval of Resolution commending Jared Blumenfeld, Director, for his**
4 **service to the Department of the Environment and to the City and County of**
5 **San Francisco.**

6 WHEREAS, Mayor Willie L. Brown, Jr. appointed Jared Blumenfeld
7 director of the San Francisco Department of the Environment in September 2001;
8 and,

9 WHEREAS, Jared Blumenfeld has continued to direct the Department and
10 provide San Francisco's environmental leadership under Mayor Gavin Newsom;
11 and,

12 WHEREAS, President Barak Obama appointed Jared Blumenfeld
13 administrator for the United States Environmental Protection Agency Region 9 in
14 November 2009; and,

15 WHEREAS, Jared Blumenfeld has grown the Department of Environment
16 more than ten fold and has inspired and led the development of unprecedented
17 urban environmental programs, including a zero waste program responsible for a
18 72% diversion rate, groundbreaking climate initiatives, energy programs that
19 have helped thousands of businesses reduce their energy use, and an array of
20 toxic reduction programs; and,

21 WHEREAS, Jared Blumenfeld leaves a legacy of innovative
22 environmental policy in San Francisco, where he was a prime mover behind
23 groundbreaking pieces of legislation that have now become recognized best
24 practices, including, among others: mandatory recycling and composting,
25 banning single use plastic grocery bags in supermarkets and chain pharmacies,
26 banning foamed polystyrene food service ware, requiring employers to offer
27 commuter benefits; and,

1 WHEREAS, Jared Blumenfeld championed public access to information
2 that will assist in environmental decision making, and was the driving force
3 behind the online Solar Map as well as the San Francisco EcoMap; and,

4 WHEREAS, Jared Blumenfeld has changed the cultural and physical
5 makeup of San Francisco in ways that will benefit the community and promote
6 long term wellbeing, including hosting United Nations World Environment Day in
7 2005, the demolition of the Hunters Point Power Plant, the construction of the
8 living classroom at Heron's Head Park, and ongoing new residential and
9 commercial construction under the green building ordinance; now, therefore, be it

10 RESOLVED, That the San Francisco Commission on the Environment
11 commends Jared Blumenfeld for his contributions to the City and County of San
12 Francisco; and, be it

13 FURTHER RESOLVED, That the San Francisco Commission on the
14 Environment wishes Jared Blumenfeld well on his future endeavors with the
15 United States Environmental Protection Agency.

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CITY AND COUNTY OF SAN FRANCISCO
COMMISSION ON THE ENVIRONMENT

GOVERNMENT
DOCUMENTS DEPT

REGULAR MEETING
DRAFT MINUTES

DEC 11 2009

TUESDAY, NOVEMBER 24, 2009, 5:00 P.M. SAN FRANCISCO
CITY HALL, ROOM 416, SAN FRANCISCO, CA 94102 PUBLIC LIBRARY

COMMISSION MEMBERS: Commissioners Paul Pelosi Jr. (President), Ruth Gravanis (Vice-President), Angelo King, Jane MarieFrancis Martin, Alan Mok, Matt Tuchow, Johanna Wald

ORDER OF BUSINESS

Public comment will be taken before the Commission takes action on any item.

1. **Call to Order and Roll Call.** The Commission on the Environment Meeting was called to order at 5:08 p.m. Present: President Pelosi Jr. (5:20), Vice-President Gravanis, Commissioners Martin, Mok (5:12), Tuchow and Wald. Absent: Commissioner King.

Items 3 – 20 were heard before Item 2.

Ms. Fish made a point of order that the agenda start time for items beginning with Item 3 was advertised as 5:20 p.m.

Public Comment: Mr. David Pilpel suggested that discussion on agenda items beginning with Item 3 not be heard until the advertised time of 5:20 p.m. Deputy City Attorney Owen stated that the agenda time was not advertised as a Special Order and suggested discussion of Item 4 before Item 3. Vice President Gravanis noted her preference of following the agenda order for the benefit of including public participation, unless there was a compelling reason otherwise. Director Blumenfeld recommended holding closed session at the end of the meeting in order to maintain public participation for other agenda items. Commissioner Martin recommended accepting additional public comment on agenda items listed as starting at 5:20 p.m. if required.

2. **CLOSED SESSION – PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

- a. Public comment on all matters pertaining to the closed session.

Ms. Nancy Wuerfel stated that she believes that Commission members and Department of the Environment ("Department") staff will be applauding all of the leadership and innovation that they have experienced in Director Jared Blumenfeld's tenure as Director of the Department, and acknowledged his remarkable contribution to the Department. Ms. Wuerfel also commented on the nine months leave of absence when Director Blumenfeld was reassigned as Acting General Manager of the Recreation and Park Department. She thanked and highly commended him for taking that interim job and following the Sunshine Ordinance requirement to create an open door policy to his office for the public, for visiting all 230 Recreation and Park Department facilities owned by the City, and for increasing staff morale.

- b. Vote on whether to hold closed session to evaluate the performance of the Executive Director, Jared Blumenfeld. (Cal. Govt. Code § 54957; SF Admin. Code § 67.10(b).) [ACTION]

Upon Motion by Commissioner Wald and second by President Pelosi Jr., the Commissioners voted without objection to hold a closed session to evaluate the performance of the Executive Director (AYES: President Pelosi Jr., Vice-President Gravanis, Commissioners Martin, Mok, Tuchow and Wald; Absent: Commissioner King).

The Regular Meeting recessed at 6:37 p.m. to hold a Closed Session.

- c. Possible closed session to evaluate the performance of the Executive Director, Jared Blumenfeld. (Cal. Govt. Code § 54957; SF Admin. Code § 67.10(b).) [DISCUSSION AND POSSIBLE ACTION]

Closed Session convened at 6:40 p.m. to evaluate the performance of the Executive Director, Jared Blumenfeld. Closed Session adjourned at 7:02 p.m.

- d. Reconvene in open session: The Commission reconvened in open session at 7:02 p.m.
1. Possible report on action taken in closed session and the vote thereon. (Cal. Govt. Code § 54957.1(a); SF Admin. Code § 67.12(b).) Ms. Fish reported that the Commission evaluated the performance of the Executive Director Jared Blumenfeld and there was no action taken.
 2. Vote to elect whether to disclose any or all discussions held in closed session. (Cal. Govt. Code § 54957.1(a); SF Admin. Code § 67.12(b).) [ACTION]

Upon Motion by Commissioner Wald and second by Vice-President Gravanis without objection, the Commission voted not to disclose discussions held in closed session (AYES: President Pelosi Jr., Vice-President Gravanis, Commissioners Martin, Mok, Tuchow and Wald; Absent: Commissioner King).

3. Adoption of Minutes of the September 22, 2009 Commission Regular Meeting. (Discussion and Action)

Upon Motion by Commissioner Wald and second by Commissioner Mok, the September 22, 2009 Meeting Minutes were approved (AYES: President Pelosi Jr., Vice-President Gravanis, Commissioners Martin, Mok, Tuchow and Wald; Absent: Commissioner King) (Explanatory Document: September 22, 2009 Approved Minutes http://sfgov.org/site/sfenvironment_page.asp?id=111732)

4. Public Comments: Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. There was no public comment at this time.

5. Commission Process for Nominations for the Position of Director of the Department of the Environment and Formation of Nomination Committee. SPEAKERS: Thomas Owen, Deputy City Attorney and President Pelosi Jr. (Discussion and Action)

Deputy City Attorney Owen provided an overview of the process under the City Charter for selection of Department head as follows. Under the Charter, the Commission nominates up to three names to present to the Mayor, and the Mayor makes a selection from those three names for the Department Head. The Mayor may reject all three candidates and then the Commission submits a new list which may or may not include the same names. If the Mayor does not object, the Commission can send less than three names.

The Brown Act states that the Commission may not meet in closed session to discuss the criteria for selecting candidates and may only meet in closed session to actually interview candidates, review résumés, and make the actual decision of which names to send to the Mayor. The Commission may want to establish a search committee to help the process along. The Committee could identify candidates and review applications, but they are not required to do it that way, and have broad discretion as long as the open meeting laws and other applicable restrictions are followed. The Search Committee would also be a policy body and would be subject to the same Brown Act requirements. The Committee could not meet in closed session except when dealing with specific candidates. It can consult with the Mayor's Office to find out how extensive of a search they are interested in. Whoever consults with the Mayor will have to report in open session to the Search Committee what the consultation was. The Department of Human Resources is available to help the Committee set up the search process depending on how broadly the Committee wants to look for candidates.

After the Search Committee has reviewed and ranked applications, they send the confidential list to the full Commission. The full Commission may then meet in closed session to review the recommendations sent to them by the Search Committee, interview candidates, and hold discussions. The full Commission will then make a determination and send the list of names to the Mayor's Office. Nothing is disclosed until such time as a candidate is actually appointed by the Mayor. The names and applications of unsuccessful candidates are not disclosed.

Compensation in terms of employment for department heads is set by the Memorandum of Understanding between the City and the Municipal Executives Association. The Department of Human Resources classifies the department heads according to the size of the department. There are a few salary ranges within each classification. The Commission is not allowed to negotiate an actual employment contract with department heads. Finally, if you are a candidate and think you are interested in being a candidate or someone who is a source of income to you is going to be a candidate, you would not be participating in the decision process and that includes setting criteria and everything leading up to the actual list of names.

President Pelosi Jr. stated that the department head position is at the discretion of the Mayor, and that in two years there may be a new Mayor. He asked if that position becomes automatically renewed or if all directors have to turn in a letter of resignation under a new administration. Deputy City Attorney Owen stated that there was no formal requirement that they do submit a letter of resignation. The department head serves at the pleasure of the Commission. Commissioners either serve for cause or at the pleasure of the appointing Mayor. It has been the

practice of some new Mayors upon coming into office or others that have been reelected to request a letter of resignation from all the sitting Board Members and Commissioners. Usually Board members and Commissioners comply and sometimes they don't. Candidates would have to consider that there is no guaranteed tenure when accepting the job.

Commissioner Tuchow inquired if there was a timeframe set forth for nomination of candidates. Deputy City Attorney Owen stated that there is no required timeframe. Until such time that the Mayor does appoint a new department head, the services of an Acting Director (whoever is number two in the organizational chart) would be relied upon. Commissioner Tuchow asked who the compensation would be negotiated by. Deputy City Attorney Owen stated that compensation would be in various ranges set by the Department of Human Resources. There is room on the pay scale where to appoint the Department Head, and the decision is based on a combination of the Commission's and candidate's discussion with the Mayor's Office.

Commissioner Tuchow inquired what type of information the Committee would report to the full Commission and if it would include the names of the three candidates. Deputy City Attorney Owen stated that if the Committee went through a list of résumés and selected the top six people, they would actually submit that list as a confidential communication to the full Commission. The Committee would have to notice their meetings, but could meet in closed session to do their actual deliberations. Commissioner Tuchow inquired as to what has to be reported to the full Commission in open session. Deputy City Attorney Owen responded that the Committee would report names that had been sent to the Mayor. Commissioner Wald confirmed with Mr. Owen that any conversation between any one of the Committee members and the Mayor's Office on the search would have to be reported. Mr. Owen stated that if any Committee member formally consulted with the Mayor, that it would be a process issue that would be handled in open session.

Deputy Director Assmann reported that Range A for a Department Head II is from \$131,000 to \$167,000. There is an optional range B and C that are each 5% above that range and is an option depending upon the candidate's qualifications. It was explained that in the previous Director search process, there was a Committee selected by the Commission, which included one Commissioner each from the Policy and Operations Committee, and he as Deputy Director was assisting the two members in the process. President Pelosi Jr. asked Deputy Director Assmann if he had any interest in the Director's position and he stated that no, he did not. Director Blumenfeld stated that Deputy Director Assmann would be the Acting Director after he leaves and until a new Director is appointed.

Public Comment

Ms. Nancy Wuerfel asked if the services of a headhunter would be utilized to find a replacement. President Pelosi Jr. stated that based upon his experience and availability of resources, a headhunter's services would not be required. The position would be open to whoever wants to apply and believes this position is one that somebody should be passionate to find.

Mr. David Pilpel questioned whether the department head after separation from the City can legally appoint an Acting Director, and stated that he would consult with the Deputy City Attorney about whether the Commission and the Mayor should be the entity that designates an interim department head. Mr. Pilpel also requested an open session disclosure of the numbers of

applicants that had applied and how many were selected. With respect to the search, Mr. Pilpel agrees that a national search is not needed because he believes there are qualified individuals in the Department, City government, and in the city and region.

President Pelosi Jr. recommended Deputy Director Assmann and Commissioners Tuchow and Wald as Search Committee members. Vice President Gravanis confirmed with Mr. Owen that it would be acceptable for a staff member to be a voting member even though that person may become an employee of the person hired. Mr. Owen stated that it would be at the discretion of the Commission, that it would be a prudential consideration, but not a legal disqualification.

Commissioner Mok confirmed that the Committee would report back to the Commission on their selection and asked if the Commission would be making the final decision of names to transmit to the Mayor. Mr. Owen stated that the final decision would be made by the full Commission at a closed session hearing. The three candidates would then be transmitted to the Mayor who would make the final selection.

Upon Motion by Vice President Gravanis and second by President Pelosi Jr., establishing a Search Committee was approved with members consisting of Deputy Director Assmann and Commissioners Tuchow and Wald. (AYES: President Pelosi Jr., Vice-President Gravanis, Commissioners Mok, Martin, Tuchow and Wald; Absent: Commissioner King).

6. **Resolution Commending Jared Blumenfeld, Director of the Department of the Environment, for his Service to the Department of the Environment and City and County of San Francisco. SPONSOR:** Commission President Paul Pelosi Jr. (Explanatory Document: Resolution File 2009-05-COE (Word) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/Res2009-05-COEJBlumenfeldCommendationResolution.doc>) (Discussion and Action)

Commissioners and Deputy Director Assmann commended and expressed their appreciation to Director Jared Blumenfeld for his work bringing the community together to champion many issues, several of which are documented in the Resolution, and his environmental leadership in working with Department staff, the Commission, Board of Supervisors, Mayor, and the City and County of San Francisco. Director Jared Blumenfeld thanked current and previous Commissioners for their service in providing guidance to the Department and crafting environmental policy; Department staff, current and previous Commission Secretaries, and Deputy Director Assmann for their service; and the public for insuring accountability.

Public Comment: Ms. Nancy Wuerfel thanked Director Jared Blumenfeld and stated that she would be happy to assist the new director in the future. Ms. Wuerfel expressed her appreciation that Director Blumenfeld had been inclusive, which is a critical component of success and thanked him for bringing more accountability to the Department and the Impound Account. She stated that she appreciates the ways that the Department has worked to grow into the job and wants to make sure the new director maintains Department funding. She also wished the Search Committee and Commission success in finding the right person for the job.

Ms. Fish read Resolution File No. 2009-05-COE. Upon Motion by Commissioner Wald and second by Commissioner Tuchow, Resolution File No. 2009-05-COE commanding Jared Blumenfeld, Director of the Department of the Environment ("Department"), for his Service to the

Department and City and County of San Francisco was approved. (AYES: President Pelosi Jr., Vice-President Gravanis, Commissioners Mok, Martin, Tuchow and Wald; Absent: Commissioner King)

7. Approval of Letter on Behalf of the Commission on the Environment to the Bay Area Air Quality Management District (BAAQMD) Board of Directors asking for (1) the support of their agency in partnering with the San Francisco Department of the Environment to promote safer garment cleaning technologies like wet cleaning and (2) requesting that the BAAQMD Board adopt regulations that accelerate the phase out of the most toxic dry cleaning solvent, perchloroethylene. STAFF SPEAKERS: Debbie Raphael, Toxics Reduction Program Manager and Sushma Dhulipala, Commercial Toxics Reduction Coordinator (Explanatory Document: Commission Letter to the BAAQMD) (Discussion and Action)

Vice-President Gravanis reported that this item was discussed at the Policy Committee and is a response to the discussion that was held at the meeting. Ms. Raphael and staff were thanked for presenting a very informative presentation at the Policy Committee meeting. Ms. Raphael reported that San Francisco has about 123 dry cleaning machines throughout the city. Dry cleaners traditionally use the most toxic chemical found in residential settings called perchloroethylene. The State of California has phased out perchloroethylene machines and while that is a wonderful event, the replacement for that solvent has air quality problems, is toxic, and is not the desired replacement. There is a better replacement called wet cleaning which is a viable alternative.

Ms. Raphael stated that the letter before the Commission is to call on the local Air District to be become a leader in this area. It is interesting that the California Air Resources Board has been farther ahead than our local Air District. The Department of the Environment is mirroring what is happening at the state level to try and influence businesses when they substitute perchloroethylene, to choose a least toxic alternative, which in this case is wet cleaning. Staff needs the Commission's help to call attention to this important issue because the Board will be voting on an initiative to speed up the phase-out and will also be directing staff on how to implement the switch.

Ms. Raphael requested the Commission's assistance in two action requests that are included in the letter—one is to request that the Air Board choose the faster phase-out, which is an eight-year phase out, which means that machines that are eight years or older must declare by the end of the year what they are going to switch to. The second request is a way to incentivize the switch to wet cleaning so that if a local business promises it will switch to wet cleaning, they would receive extra time to make the switch. It is a way of giving an incentive to do the right thing. Another way the Department would like to incentivize the switch to wet cleaning is to actually offer financial assistance to make the switch.

Commissioner Wald asked if there was any other action that staff would like the Commission's assistance on in this effort, such as attending the meeting and speaking before the Air District. Ms. Raphael expressed her enthusiasm for this addition and reported that San Francisco has two members on the Board, Board of Supervisors Chris Daly and Eric Mar. This letter would be shared with the Supervisor members of the local Air Quality Board so that they are aware that the Commission is asking for their support. There will be a sub-committee called the Stationary

Source Sub-Committee hearing where this will be heard first. It would make a positive statement if a Commissioner could attend the meeting, which would be in February or could be as early as December. Ms. Raphael indicated she would send communication on the meeting date.

Upon Motion by Vice-President Gravanis and second by President Pelosi Jr., the letter was approved for transmittal to the Bay Area Air Quality Management District with an amendment to correct the stationery without objection. Staff was thanked for their effort and work on this issue. (AYES: President Pelosi Jr., Vice-President Gravanis, Commissioners Mok, Martin, Tuchow and Wald; Absent: Commissioner King) (Explanatory Document: Approved Letter)

8. **Overview of the "Environment Now" Program.** SPONSOR: Jared Blumenfeld, Director; STAFF SPEAKERS: David Assmann, Deputy Director and Donny Oliveira, Green Jobs Coordinator (Informational Report and Discussion)

Director Blumenfeld reported that President Obama's stimulus program allowed for the Department to employ folks that were 200% below the poverty line who were also a parent and was seen as a unique and historic opportunity to bring people into the Department from diverse backgrounds. Mr. Oliveira stated that the federal stimulus opportunity is being utilized to promote existing Department campaigns. Training is being offered to participants to learn about eco-literacy, reinforce job skills, and to reinforce and reenergize the existing Department campaigns as well as bringing a new facet and strategy to new campaigns such as the Mandatory Recycling and Composting Ordinance. President Pelosi Jr. asked how many jobs would be created through this program. Mr. Oliveira reported that the vision would be to employ 100 people within the Department and as space allows, additional jobs would be added. There would be 40 hires by the end of this calendar year (16 have been currently hired, and 24 will be online by the end of the calendar year).

President Pelosi Jr. inquired which City areas most people were hired from, and Mr. Oliveira replied from the Bayview and Western Addition neighborhoods. Director Blumenfeld stated that this is the most inspiring human experience. People that don't think about the environment and don't have jobs in some cases are coming in and interacting with the Department. Mr. Oliveira was previously employed with the Department of Conservation Corps for the past three years where he was running similar programs and has an excellent track record. Director Blumenfeld encouraged Commissioners to schedule a meeting with Mr. Oliveira to present their vision for the environment and share life experiences. He stated that the Department is also working with Ms. Lisa Wayne to send program staff to a different natural area each month to do restoration programming, work on trails, etc. The hires will go out into the community to reinforce programs, go to every small and medium-sized business to roll out mandatory recycling and composting, and help with Energy Watch audits. The stimulus program runs through September 2010, so there will be approximately a year to energize people that would have never otherwise thought of the environment.

9. **Update on the Mandatory Recycling and Composting Ordinance.** SPONSOR: Commission Vice President Ruth Gravanis; STAFF SPEAKER: Jack Macy, Commercial Recycling Coordinator (Informational Report and Discussion)

Vice-President Gravanis expressed her support for this milestone Ordinance and mentioned media reports surrounding this program, which she asked staff to report on. Mr. Macy provided an update on the Ordinance since the last update to the Commission on July 28. He reported that the Ordinance went into effect on October 21st and is pleased to say it has had a great impact. There has been a huge response from all sectors and lots of inquiries about the program. The Recology Company has had a two to three fold increase in calls, getting up to two to three thousand calls a day primarily composting requests and inquiring about the definition of the Ordinance. Up to 300 green carts have been delivered per day and has resulted in additional staff hiring and trucks to transport the carts.

Mr. Macy reported that there has been overall good press and as a result of media attention, there is a spike in calls about the program. There was a press conference this morning touting the benefits of the composting program—Channel 5 and the Examiner were in attendance. From the beginning of the composting program, there were approximately 620,000 tons of material composted, mostly food scraps, which resulted in 150,000+ tons of reduction in carbon emissions. This figure is equal to deleting all emissions from all of the traffic on the Bay Bridge for 311 days--almost a years worth of Bay Bridge traffic emissions reduction from the composting food waste program.

President Pelosi Jr. stated that individuals and businesses in Marin County have reported that since these types of programs have been put in place, their trash bills have dropped usually in half. He recommended publishing numbers on how much people are saving as a result of this program. Mr. Macy stated that the big savings are seen by owners of apartment buildings where there is no cost for recycling and composting. President Pelosi Jr. stated that a bill could be cut in half from using smaller trash bins. Mr. Macy stated that up to half or three fourths savings are possible. President Pelosi Jr. recommended publishing that the trash bill could be cut in half by complying with the ordinance. Mr. Macy stated that people are being told that their trash bill could be reduced by up to 75% if they max out on recycling and composting. An average apartment building and small businesses will save hundreds of dollars a month, and large businesses can save thousands of dollars a month.

Commissioner Wald encouraged the Department to create a website that shows what is being accomplished by Department programs, for example, on diversion from landfill, how many tons of waste are being composted as a result of the program. The site would inform the community on what is happening as a result of their participation and can be a reference point as to what difference the program is making. There could be advertisements on bus shelters that would provide the community with familiarity about Department programs and would result in support for these programs. An example would be to advertise how many tons have been composted and what the equivalent of CO₂ savings is. Macy stated this was a good idea and reported that this calculation was just done yesterday and announced to the press.

Public Comment: Mr. David Pilpel spoke in support of staff work and effort on this program. He stated that last week several people participated in a conference in Oakland about anaerobic digestion and had also been involved with the Public Utilities Commission on this effort. Mr. Pilpel stated that he hopes that in our lifetime, people would be able to digest food waste, which he believes is a wonderful project to make happen as a result of all the increased compost that has been generated. He stated that additional work such as developing regulations has to be

accomplished to implement the Ordinance. He stated that the next Director would be working on this program and hopes that there will be public involvement to make this program work so people really have smaller garbage containers, smaller bills, and ultimately reach zero waste.

Director Blumenfeld reported that the city's composting number went from 400 tons a day to 25 tons a day, so that more than a 25% increase was achieved in three months, which is more than anticipated. He reported that a regulation was promulgated so that a waiver could be issued if there is no space to place the carts. A form is available for this process. Mr. Macy was credited for his effort for the past ten years developing this program and thinking through how we can make composting work.

10. Update on the New Landfill Search Request for Proposal (RFP). SPONSOR: Jared Blumenfeld, Director; **STAFF SPEAKER:** David Assmann, Deputy Director (Informational Report and Discussion)

Deputy Director Assmann reported that he has been working on this effort for more than three years, and a conclusion was finally made after a series of public meetings, issuance of Request for Qualifications (RFQ) and Request for Proposals (RFP), selection of finalists, a tentative award, and filing of protest of the award. The contract is now at the point of negotiations with the intent to transmit a recommendation to the Board of Supervisors some time in the New Year. The Board of Supervisors would be making the award decision.

Deputy Director Assmann explained that our existing capacity would run out between January and June of 2014 at the current rate. The new landfill contract would start in 2014 and is intended to be a twenty-year contract. President Pelosi Jr. inquired about the length of the previous landfill contract. Deputy Director Assmann reported that the previous contract went into effect in 1988 and will run out in 2014. President Pelosi Jr. inquired what it would cost on average from the last contract to the new contract per year. Deputy Director Assmann reported that the new contract cost per ton would be in the \$40 range, and the previous contract was in the low \$30 range. The price has gone up, but the span of time has to be considered.

Director Blumenfeld stated that the more successful we are in diverting waste from landfill, the longer the contract would run. From an economic perspective, the longer there is space in the contract, the less money is paid--ten dollars a ton is a big difference. If you can reach zero waste before 2014, a landfill contract won't be required. Deputy Director Assmann reported that his original projection of when landfill capacity would run out when he started working on this project in the mid 1990's was 2001, and it is now 2014, so the contract was extended by thirteen years.

Commissioner Martin asked how the new landfill contract fits the zero waste goals. Deputy Director Assmann reported that we are assuming that we are going to reach our target, so the price per ton is based on two rates. If we are on target, it is one rate. If we go above the target, and we send more to landfill than we should have there is extra cost to be paid per ton, which is the opposite of what most landfill contracts state. There is a disincentive to dispose more. Commissioner Martin stated that the goal to reach zero waste is 2020. So if we are starting in 2014 for twenty years, what is the implication for the balance of the landfill contract years if we meet our 2020 goals? Deputy Director Assmann stated that the implication is the rate per ton

goes up dramatically if we don't reach the goals set forth. Director Blumenfeld stated that if the goal of zero waste is achieved, we would not pay for what is not sent to landfill.

Commissioner Wald asked what the plan was to tell people about this way of thinking about landfill contracts. Deputy Director Assmann stated that once negotiations are complete, the process can be made public and used as a model for other jurisdictions. Discussions are being held with the State Recycling Association about using this contract as a model for others to use.

Public Comment

Mr. David Pilpel stated that he and others that were part of a group that had convened a couple of years ago would want to hear further on this contract before it went to the Board. He stated that he has two concerns (1) if Recology ends up being the successful contractor, that appropriate incentives be implemented so that there isn't an incentive to haul more, and (2) if the landfill is to be sent farther away, to consider rail haul. Mr. Pilpel stated that he does not know if the transportation aspect had been addressed. Deputy Director Assmann was commended for his work on this effort over the years.

Mr. Joshua Arce, Executive Director, Brightline Defense Project, thanked the Department for their service and stated that a tremendous accomplishment has been made directed toward his field of work on environmental justice and disadvantaged communities. Mr. Arce cited a component of the Port of San Francisco's Pier 96 lease agreement whereby Recology was awarded a contract to do recycling for that location and would agree as jobs become available to hire economically disadvantaged residents of area codes 94124 Bayview Hunters Point, 94134 Visitacion Valley, and 94107 Potrero Hill. Mr. Arce recommended that the landfill contract include similar language. President Pelosi Jr. stated that this language could be added to the contract and encouraged Mr. Arce to provide his recommendations to Deputy Director Assmann in writing.

Vice President Gravanis stated that as the cost-effectiveness of these various contracts are measured, the carbon emissions involved in the various means of hauling should also be compared; e.g. comparing trucking with ship-to-rail, etc. Deputy Director Assmann stated that these projections are included in the contract.

11. Expression of Interest in Commission Office (President and Vice-President) and Nomination of Candidates for the Election at the Commission Meeting on January 26, 2010. (Discussion and Action)

Vice President Gravanis nominated Commissioner Jane Martin for the office of Vice President, second by Commissioner Wald. President Pelosi Jr. nominated Commissioner Alan Mok for Vice President, second by Commissioner Tuchow. Vice President Gravanis stated that she would also be willing to run for the office of Vice President if she were not elected for President, second by Commissioner Martin. Commissioner Tuchow stated that he would be willing to run for the office of Vice President if he were not elected for President, second by President Pelosi Jr.

Vice President Gravanis reported that she is willing to run for the office of President, second by Commissioner Martin. President Pelosi Jr. nominated Commissioner Tuchow for President, who stated that he would be willing to run for the office of President.

12. Agenda Planning for the Commission on the Environment Retreat. (Discussion)

Director Blumenfeld recommended that a retreat be held in conjunction with the Jobs Now program staff to learn about their programs and challenges that they see for the city. President Pelosi Jr. recommended selecting a date in the last week of February and asked the Commission Secretary to coordinate this effort.

13. Operations Committee Report. (Information and Discussion)

Chair's Report: Highlights of the October 19, 2009 Meeting and review of the agenda for the January 20, 2010 meeting to be held at the Department of the Environment Eco Center at 11 Grove Street.

Commission President Pelosi Jr. reported that the October Operations Committee meeting included a discussion on the budget, review of Department building renovations, space capacity, and new locations proposed. There was a review of an interesting energy-efficiency program that would be the hallmark of the Department going forward. A detailed analysis was provided on the status of the Department, Public Utilities Commission (PUC), PG&E, state and federal funding and roll-out of energy efficiency programs, which has been a positive community outreach program. It appears that funding would be extended into the New Year. An update was also provided on fundraising which is on track in a tough economy, and a review was made of grants, allocations, and bookkeeping efforts. There were no red flags or issues raised from the discussion.

14. Policy Committee Report. (Information and Discussion)--Chairs Report: Highlights of the October 26 and November 9, 2009 meetings and review of the agenda for the December 14, 2009 meeting to be held at City Hall, Room 421.

Policy Committee Vice-Chair Gravanis reported that the October meeting included a most informative and somewhat alarming presentation on the research being made by the Environmental Working Group on the correlation between long-term cell phone use and medical implications. The report is available on the Environmental Working Group website along with various recommendations for reducing the risks associated with cell phone use. A presentation was also heard about disposing of unwanted pharmaceuticals, which is a difficult problem and something we will be dealing with for a long time. The November meeting main topic of discussion was on safer garment cleaning technologies, which the Commission approved a letter to the BAAQMD that was derived from that discussion. Future agenda items include (1) the status of Candlestick Hunters Point development planning. The Draft Environmental Impact Report has been published and comments might be submitted; (2) tracking of the Urban Forest Plan and request for update; (3) Dark Skies; (4) Congestion Management; (5) follow-up of pharmaceutical disposal problem; and (6) discussion of survey responses received from various environmental groups. Commissioner Martin stated that one of the important points of the cell phone discussion was to limit the use of cell phones for children to emergencies only because of their increased vulnerability to radiation.

15. Commission Secretary's Report. (Explanatory Document: Commission Secretary's Report (Word) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/CommissionSecretaryReport112409.doc>) and

2010 Meeting Schedule (Word)

<http://sfgov.org/site/uploadedfiles/stenvironment/meetings/coe/supporting/2009/CommissionMeetingSchedule2010.doc> (Information and Discussion) Monica Fish, Commission Secretary

- Communications and Correspondence
- Update on Pending City Legislation

Commission Secretary Monica Fish reported that a written report has been provided to the Commissioners and noted special attention to the 2010 Meeting Schedule.

16. Director's Report. (Explanatory Document: Director's Report (Word)

<http://sfgov.org/site/uploadedfiles/stenvironment/meetings/coe/supporting/2009/DirectorsReptNov2009.doc>) Updates on Department of the Environment administrative and programmatic operations relating to Budget Planning, Strategic Planning, Clean Air, Climate Division, Outreach and Education Division, Environmental Justice Division, Zero Waste, Toxics Reduction Program, and the Urban Forestry Division. (Information and Discussion)

Director Blumenfeld thanked Ms. Nelly Sun who prepares the Director's Report for her efforts for the past eight years to highlight the Department's achievements. Director Blumenfeld referenced Commissioner Wald's discussion on how to better advertise and make the public aware of the Department's accomplishments. He stated that there is still a continued struggle on how to provide better outreach to the community and different media through the web and asked the Commissioners for their recommendations.

17. Announcements. (Information and Discussion) There were no announcements made at this time.

18. President's Announcements. (Information and Discussion) President Pelosi Jr. thanked everyone and noted that the Commission has had a good year and has heard many agenda items. He asked that there be a focus going forward on energy efficiency and job creation as the two goals he sees as being a part of 2010. He asked that future meetings be shaped moving in that direction in addition to Precautionary Principle protection of toxics. He stated that the Department is well positioned to take leadership in the city in these areas. President Pelosi Jr. stated that he would not be running for office in 2010.

Director Blumenfeld thanked President Pelosi Jr. for his leadership as President and involvement with Department staff and their activities. Commissioner Mok thanked President Pelosi Jr. for his leadership and Commissioners and staff. He suggested that the Operations Committee discuss Silicon Valley's technology involvement with the environment in the New Year. Commissioner Tuchow thanked President Pelosi Jr. for not only his advocacy of energy efficiency but of meeting efficiency, and for his service as Commission President.

19. New Business/Future Agenda Items. (Information, Discussion and Possible Action) There was no new business or future agenda items discussed at this time.

20. Public Comments: Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. There was no public comment at this time.

21. Adjournment. The Commission on the Environment meeting adjourned at 7:04 p.m.

*** Copies of explanatory documents are available at (1) the Commission's office, 11 Grove Street, San Francisco, California between the hours of 9 a.m. and 5 p.m., (2) on the Commission's website at http://sfgov.org/site/sfenvironment_meeting.asp?id=61004; (3) by clicking on the links by each agenda item above, (4) upon request to the Commission Secretary, at telephone number 415-355-3709, or via e-mail at Monica.Fish@sfgov.org within three business days of a meeting. Explanatory documents that are received after posting of this agenda are available on the website or upon request to the Commission Secretary at the contact information listed above.*

Respectfully submitted by,
Monica Fish, Commission Secretary

TEL: (415) 355-3709
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*Approved:



CITY AND COUNTY OF SAN FRANCISCO
COMMISSION ON THE ENVIRONMENT

GOVERNMENT
DOCUMENTS DEPT

REGULAR MEETING
DRAFT MINUTES--CORRECTED

DEC 18 2009

TUESDAY, NOVEMBER 24, 2009, 5:00 P.M.
CITY HALL, ROOM 416, SAN FRANCISCO, CA 94102

SAN FRANCISCO
PUBLIC LIBRARY

COMMISSION MEMBERS: Commissioners Paul Pelosi Jr. (President), Ruth Gravanis (Vice-President), Angelo King, Jane MarieFrancis Martin, Alan Mok, Matt Tuchow, Johanna Wald

ORDER OF BUSINESS

Public comment will be taken before the Commission takes action on any item.

1. **Call to Order and Roll Call.** The Commission on the Environment Meeting was called to order at 5:08 p.m. Present: President Pelosi Jr. (5:20), Vice-President Gravanis, Commissioners Martin, Mok (5:12), Tuchow and Wald. Absent: Commissioner King.

Items 3 – 20 were heard before Item 2.

Ms. Fish made a point of order that the agenda start time for items beginning with Item 3 was advertised as 5:20 p.m.

Public Comment: Mr. David Pilpel suggested that discussion on agenda items beginning with Item 3 not be heard until the advertised time of 5:20 p.m. Deputy City Attorney Owen stated that the agenda time was not advertised as a Special Order and suggested discussion of Item 4 before Item 3. Vice President Gravanis noted her preference of following the agenda order for the benefit of including public participation, unless there was a compelling reason otherwise. Director Blumenfeld recommended holding closed session at the end of the meeting in order to maintain public participation for other agenda items. Commissioner Martin recommended accepting additional public comment on agenda items listed as starting at 5:20 p.m. if required.

2. **CLOSED SESSION – PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

- a. Public comment on all matters pertaining to the closed session.

Ms. Nancy Wuerfel stated that she believes that Commission members and Department of the Environment ("Department") staff will be applauding all of the leadership and innovation that they have experienced in Director Jared Blumenfeld's tenure as Director of the Department, and acknowledged his remarkable contribution to the Department. Ms. Wuerfel also commented on the nine months leave of absence when Director Blumenfeld was reassigned as Acting General Manager of the Recreation and Park Department. She thanked and highly commended him for taking that interim job and following the Sunshine Ordinance requirement to create an open door policy to his office for the public, for visiting all 230 Recreation and Park Department facilities owned by the City, and for increasing staff morale.

- b. Vote on whether to hold closed session to evaluate the performance of the Executive Director, Jared Blumenfeld. (Cal. Govt. Code § 54957; SF Admin. Code § 67.10(b).) [ACTION]

Upon Motion by Commissioner Wald and second by President Pelosi Jr., the Commissioners voted without objection to hold a closed session to evaluate the performance of the Executive Director (AYES: President Pelosi Jr., Vice-President Gravanis, Commissioners Martin, Mok, Tuchow and Wald; Absent: Commissioner King).

The Regular Meeting recessed at 6:37 p.m. to hold a Closed Session.

- c. Possible closed session to evaluate the performance of the Executive Director, Jared Blumenfeld. (Cal. Govt. Code § 54957; SF Admin. Code § 67.10(b).) [DISCUSSION AND POSSIBLE ACTION]

Closed Session convened at 6:40 p.m. to evaluate the performance of the Executive Director, Jared Blumenfeld. Closed Session adjourned at 7:02 p.m.

- d. Reconvene in open session: The Commission reconvened in open session at 7:02 p.m.
1. Possible report on action taken in closed session and the vote thereon. (Cal. Govt. Code § 54957.1(a); SF Admin. Code § 67.12(b).) Ms. Fish reported that the Commission evaluated the performance of the Executive Director Jared Blumenfeld and there was no action taken.
 2. Vote to elect whether to disclose any or all discussions held in closed session. (Cal. Govt. Code § 54957.1(a); SF Admin. Code § 67.12(b).) [ACTION]

Upon Motion by Commissioner Wald and second by Vice-President Gravanis without objection, the Commission voted not to disclose discussions held in closed session (AYES: President Pelosi Jr., Vice-President Gravanis, Commissioners Martin, Mok, Tuchow and Wald; Absent: Commissioner King).

3. Adoption of Minutes of the September 22, 2009 Commission Regular Meeting. (Discussion and Action)

Upon Motion by Commissioner Wald and second by Commissioner Mok, the September 22, 2009 Meeting Minutes were approved (AYES: President Pelosi Jr., Vice-President Gravanis, Commissioners Martin, Mok, Tuchow and Wald; Absent: Commissioner King) (Explanatory Document: September 22, 2009 Approved Minutes http://sfgov.org/site/sfenvironment_page.asp?id=111732)

4. Public Comments: Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. There was no public comment at this time.

5. Commission Process for Nominations for the Position of Director of the Department of the Environment and Formation of Nomination Committee. SPEAKERS: Thomas Owen, Deputy City Attorney and President Pelosi Jr. (Discussion and Action)

Deputy City Attorney Owen provided an overview of the process under the City Charter for selection of Department head as follows. Under the Charter, the Commission nominates up to three names to present to the Mayor, and the Mayor makes a selection from those three names for the Department Head. The Mayor may reject all three candidates and then the Commission submits a new list which may or may not include the same names. If the Mayor does not object, the Commission can send less than three names.

The Brown Act states that the Commission may not meet in closed session to discuss the criteria for selecting candidates and may only meet in closed session to actually interview candidates, review résumés, and make the actual decision of which names to send to the Mayor. The Commission may want to establish a search committee to help the process along. The Committee could identify candidates and review applications, but they are not required to do it that way, and have broad discretion as long as the open meeting laws and other applicable restrictions are followed. The Search Committee would also be a policy body and would be subject to the same Brown Act requirements. The Committee could not meet in closed session except when dealing with specific candidates. It can consult with the Mayor's Office to find out how extensive of a search they are interested in. Whoever consults with the Mayor will have to report in open session to the Search Committee what the consultation was. The Department of Human Resources is available to help the Committee set up the search process depending on how broadly the Committee wants to look for candidates.

After the Search Committee has reviewed and ranked applications, they send the confidential list to the full Commission. The full Commission may then meet in closed session to review the recommendations sent to them by the Search Committee, interview candidates, and hold discussions. The full Commission will then make a determination and send the list of names to the Mayor's Office. Nothing is disclosed until such time as a candidate is actually appointed by the Mayor. The names and applications of unsuccessful candidates are not disclosed.

Compensation in terms of employment for department heads is set by the Memorandum of Understanding between the City and the Municipal Executives Association. The Department of Human Resources classifies the department heads according to the size of the department. There are a few salary ranges within each classification. The Commission is not allowed to negotiate an actual employment contract with department heads. Finally, if you are a candidate and think you are interested in being a candidate or someone who is a source of income to you is going to be a candidate, you would not be participating in the decision process and that includes setting criteria and everything leading up to the actual list of names.

President Pelosi Jr. stated that the department head position is at the discretion of the Mayor, and that in two years there may be a new Mayor. He asked if that position becomes automatically renewed or if all directors have to turn in a letter of resignation under a new administration. Deputy City Attorney Owen stated that there was no formal requirement that they do submit a letter of resignation. The department head serves at the pleasure of the Commission. Commissioners either serve for cause or at the pleasure of the appointing Mayor. It has been the

practice of some new Mayors upon coming into office or others that have been reelected to request a letter of resignation from all the sitting Board Members and Commissioners. Usually Board members and Commissioners comply and sometimes they don't. Candidates would have to consider that there is no guaranteed tenure when accepting the job.

Commissioner Tuchow inquired if there was a timeframe set forth for nomination of candidates. Deputy City Attorney Owen stated that there is no required timeframe. Until such time that the Mayor does appoint a new department head, the services of an Acting Director (whoever is number two in the organizational chart) would be relied upon. Commissioner Tuchow asked who the compensation would be negotiated by. Deputy City Attorney Owen stated that compensation would be in various ranges set by the Department of Human Resources. There is room on the pay scale where to appoint the Department Head, and the decision is based on a combination of the Commission's and candidate's discussion with the Mayor's Office.

Commissioner Tuchow inquired what type of information the Committee would report to the full Commission and if it would include the names of the three candidates. Deputy City Attorney Owen stated that if the Committee went through a list of résumés and selected the top six people, they would actually submit that list as a confidential communication to the full Commission. The Committee would have to notice their meetings, but could meet in closed session to do their actual deliberations. Commissioner Tuchow inquired as to what has to be reported to the full Commission in open session. Deputy City Attorney Owen responded just the fact that names had been sent to the Mayor. Commissioner Wald confirmed with Mr. Owen that any conversation between any one of the Committee members and the Mayor's Office on the search would have to be reported. Mr. Owen stated that if any Committee member formally consulted with the Mayor, that it would be a process issue that would be handled in open session.

Deputy Director Assmann reported that Range A for a Department Head II is from \$131,000 to \$167,000. There is an optional range B and C that are each 5% above that range and is an option depending upon the candidate's qualifications. It was explained that in the previous Director search process, there was a Committee selected by the Commission, which included one Commissioner each from the Policy and Operations Committee, and he as Deputy Director was assisting the two members in the process. President Pelosi Jr. asked Deputy Director Assmann if he had any interest in the Director's position and he stated that no, he did not. Director Blumenfeld stated that Deputy Director Assmann would be the Acting Director after he leaves and until a new Director is appointed.

Public Comment

Ms. Nancy Wuerfel asked if the services of a headhunter would be utilized to find a replacement. President Pelosi Jr. stated that based upon his experience and availability of resources, a headhunter's services would not be required. The position would be open to whoever wants to apply and believes this position is one that somebody should be passionate to find.

Mr. David Pilpel questioned whether the department head after separation from the City can legally appoint an Acting Director, and stated that he would consult with the Deputy City Attorney about whether the Commission and the Mayor should be the entity that designates an interim department head. Mr. Pilpel also requested an open session disclosure of the numbers of

applicants that had applied and how many were selected. With respect to the search, Mr. Pilpel agrees that a national search is not needed because he believes there are qualified individuals in the Department, City government, and in the city and region.

President Pelosi Jr. recommended Deputy Director Assmann and Commissioners Tuchow and Wald as Search Committee members. Vice President Gravanis confirmed with Mr. Owen that it would be acceptable for a staff member to be a voting member even though that person may become an employee of the person hired. Mr. Owen stated that it would be at the discretion of the Commission, that it would be a prudential consideration, but not a legal disqualification. Commissioner Mok confirmed that the Committee would report back to the Commission on their selection and asked if the Commission would be making the final decision of names to transmit to the Mayor. Mr. Owen stated that the final decision would be made by the full Commission at a closed session hearing. The three candidates would then be transmitted to the Mayor who would make the final selection.

Upon Motion by Vice President Gravanis and second by President Pelosi Jr., establishing a Search Committee was approved with members consisting of Deputy Director Assmann and Commissioners Tuchow and Wald. (AYES: President Pelosi Jr., Vice-President Gravanis, Commissioners Mok, Martin, Tuchow and Wald; Absent: Commissioner King).

6. **Resolution Commending Jared Blumenfeld, Director of the Department of the Environment, for his Service to the Department of the Environment and City and County of San Francisco.** SPONSOR: Commission President Paul Pelosi Jr. (Explanatory Document: Resolution File 2009-05-COE (Word) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/Res2009-05-COEJBlumenfeldCommendationResolution.doc>) (Discussion and Action)

Commissioners and Deputy Director Assmann commended and expressed their appreciation to Director Jared Blumenfeld for his work bringing the community together to champion many issues, several of which are documented in the Resolution, and his environmental leadership in working with Department staff, the Commission, Board of Supervisors, Mayor, and the City and County of San Francisco. Director Jared Blumenfeld thanked current and previous Commissioners for their service in providing guidance to the Department and crafting environmental policy; Department staff, current and previous Commission Secretaries, and Deputy Director Assmann for their service; and the public for insuring accountability.

Public Comment: Ms. Nancy Wuerfel thanked Director Jared Blumenfeld and stated that she would be happy to assist the new director in the future. Ms. Wuerfel expressed her appreciation that Director Blumenfeld had been inclusive, which is a critical component of success and thanked him for bringing more accountability to the Department and the Impound Account. She stated that she appreciates the ways that the Department has worked to grow into the job and wants to make sure the new director maintains Department funding. She also wished the Search Committee and Commission success in finding the right person for the job.

Ms. Fish read Resolution File No. 2009-05-COE. Upon Motion by Commissioner Wald and second by Commissioner Tuchow, Resolution File No. 2009-05-COE commanding Jared Blumenfeld, Director of the Department of the Environment ("Department"), for his service to the

Department and City and County of San Francisco was approved. (AYES: President Pelosi Jr., Vice-President Gravanis, Commissioners Mok, Martin, Tuchow and Wald; Absent: Commissioner King)

7. **Approval of Letter on Behalf of the Commission on the Environment to the Bay Area Air Quality Management District (BAAQMD) Board of Directors** asking for (1) the support of their agency in partnering with the San Francisco Department of the Environment to promote safer garment cleaning technologies like wet cleaning and (2) requesting that the BAAQMD Board adopt regulations that accelerate the phase out of the most toxic dry cleaning solvent, perchloroethylene. **STAFF SPEAKERS:** Debbie Raphael, Toxics Reduction Program Manager and Sushma Dhulipala, Commercial Toxics Reduction Coordinator
(Explanatory Document: Commission Letter to the BAAQMD (Word)
<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/COEletteratBAAQMD112409Corrected.doc>)
(Discussion and Action)

Vice-President Gravanis reported that this item was discussed at the Policy Committee and is a response to the discussion that was held at the meeting. Ms. Raphael and staff were thanked for presenting a very informative presentation at the Policy Committee meeting. Ms. Raphael reported that San Francisco has about 123 dry cleaning machines throughout the city. Dry cleaners traditionally use the most toxic chemical found in residential settings called perchloroethylene. The State of California has phased out perchloroethylene machines and while that is a wonderful event, the replacement for that solvent has air quality problems, is toxic, and is not the desired replacement. There is a better replacement called wet cleaning which is a viable alternative.

Ms. Raphael stated that the letter before the Commission is to call on the local Air District to become a leader in this area. It is interesting that the California Air Resources Board has been farther ahead than our local Air District. The Department of the Environment is mirroring what is happening at the state level to try and influence businesses when they substitute perchloroethylene, to choose a least toxic alternative, which in this case is wet cleaning. Staff needs the Commission's help to call attention to this important issue because the Board will be voting on an initiative to speed up the phase-out and will also be directing staff on how to implement the switch.

Ms. Raphael requested the Commission's assistance in two action requests that are included in the letter—one is to request that the Air Board choose the faster phase-out, which is an eight-year phase out, which means that machines that are eight years or older must declare by the end of the year what they are going to switch to. The second request is a way to incentivize the switch to wet cleaning so that if a local business promises it will switch to wet cleaning, they would receive extra time to make the switch. It is a way of giving an incentive to do the right thing. Another way the Department would like to incentivize the switch to wet cleaning is to actually offer financial assistance to make the switch.

Commissioner Wald asked if there was any other action that staff would like the Commission's assistance on in this effort, such as attending the meeting and speaking before the Air District. Ms. Raphael expressed her enthusiasm for this addition and reported that San Francisco has two members on the Board, Board of Supervisors Chris Daly and Eric Mar. This letter would be

shared with the Supervisor members of the local Air Quality Board so that they are aware that the Commission is asking for their support. There will be a sub-committee called the Stationary Source Sub-Committee hearing where this will be heard first. It would make a positive statement if a Commissioner could attend the meeting, which would be in February or could be as early as December. Ms. Raphael indicated she would send communication on the meeting date.

Upon Motion by Vice-President Gravanis and second by President Pelosi Jr., the letter was approved for transmittal to the Bay Area Air Quality Management District with an amendment to correct the stationery without objection. Staff was thanked for their effort and work on this issue. (AYES: President Pelosi Jr., Vice-President Gravanis, Commissioners Mok, Martin, Tuchow and Wald; Absent: Commissioner King) (Explanatory Document: Approved Letter)

8. **Overview of the “Environment Now” Program. SPONSOR:** Jared Blumenfeld, Director; **STAFF SPEAKERS:** David Assmann, Deputy Director and Donny Oliveira, Green Jobs Coordinator (Informational Report and Discussion)

Director Blumenfeld reported that President Obama's stimulus program allowed for the Department to employ folks that were 200% below the poverty line who were also a parent and was seen as a unique and historic opportunity to bring people into the Department from diverse backgrounds. Mr. Oliveira stated that the federal stimulus opportunity is being utilized to promote existing Department campaigns. Training is being offered to participants to learn about eco-literacy, reinforce job skills, and to reinforce and reenergize the existing Department campaigns as well as bringing a new facet and strategy to new campaigns such as the Mandatory Recycling and Composting Ordinance. President Pelosi Jr. asked how many jobs would be created through this program. Mr. Oliveira reported that the vision would be to employ 100 people within the Department and as space allows, additional jobs would be added. There would be 40 hires by the end of this calendar year (16 have been currently hired, and 24 will be online by the end of the calendar year).

President Pelosi Jr. inquired which City areas most people were hired from, and Mr. Oliveira replied from the Bayview and Western Addition neighborhoods. Director Blumenfeld stated that this is the most inspiring human experience. People that don't think about the environment and don't have jobs in some cases are coming in and interacting with the Department. Mr. Oliveira was previously employed with the Department of Conservation Corps for the past three years where he was running similar programs and has an excellent track record. Director Blumenfeld encouraged Commissioners to schedule a meeting with Mr. Oliveira to present their vision for the environment and share life experiences. He stated that the Department is also working with Ms. Lisa Wayne to send program staff to a different natural area each month to do restoration programming, work on trails, etc. The hires will go out into the community to reinforce programs, go to every small and medium-sized business to roll out mandatory recycling and composting, and help with Energy Watch audits. The stimulus program runs through September 2010, so there will be approximately a year to energize people that would have never otherwise thought of the environment.

9. **Update on the Mandatory Recycling and Composting Ordinance. SPONSOR:** Commission Vice President Ruth Gravanis; **STAFF SPEAKER:** Jack Macy, Commercial Recycling Coordinator (Informational Report and Discussion)

Vice-President Gravanis expressed her support for this milestone Ordinance and mentioned media reports surrounding this program, which she asked staff to report on. Mr. Macy provided an update on the Ordinance since the last update to the Commission on July 28. He reported that the Ordinance went into effect on October 21st and is pleased to say it has had a great impact. There has been a huge response from all sectors and lots of inquiries about the program. The Recology Company has had a two to three fold increase in calls, getting up to two to three thousand calls a day primarily composting requests and inquiring about the definition of the Ordinance. Up to 300 green carts have been delivered per day and has resulted in additional staff hiring and trucks to transport the carts.

Mr. Macy reported that there has been overall good press and as a result of media attention, there is a spike in calls about the program. There was a press conference this morning touting the benefits of the composting program—Channel 5 and the Examiner were in attendance. From the beginning of the composting program, there were approximately 620,000 tons of material composted, mostly food scraps, which resulted in 150,000+ tons of reduction in carbon emissions. This figure is equal to deleting all emissions from all of the traffic on the Bay Bridge for 311 days—almost a years worth of Bay Bridge traffic emissions reduction from the composting food waste program.

President Pelosi Jr. stated that individuals and businesses in Marin County have reported that since these types of programs have been put in place, their trash bills have dropped usually in half. He recommended publishing numbers on how much people are saving as a result of this program. Mr. Macy stated that the big savings are seen by owners of apartment buildings where there is no cost for recycling and composting. President Pelosi Jr. stated that a bill could be cut in half from using smaller trash bins. Mr. Macy stated that up to half or three fourths savings are possible. President Pelosi Jr. recommended publishing that the trash bill could be cut in half by complying with the ordinance. Mr. Macy stated that people are being told that their trash bill could be reduced by up to 75% if they max out on recycling and composting. An average apartment building and small businesses will save hundreds of dollars a month, and large businesses can save thousands of dollars a month.

Commissioner Wald encouraged the Department to create a website that shows what is being accomplished by Department programs, for example, on diversion from landfill, how many tons of waste are being composted as a result of the program. The site would inform the community on what is happening as a result of their participation and can be a reference point as to what difference the program is making. There could be advertisements on bus shelters that would provide the community with familiarity about Department programs and would result in support for these programs. An example would be to advertise how many tons have been composted and what the equivalent of CO₂ savings is. Macy stated this was a good idea and reported that this calculation was just done yesterday and announced to the press.

Public Comment: Mr. David Pilpel spoke in support of staff work and effort on this program. He stated that last week several people participated in a conference in Oakland about anaerobic digestion and had also been involved with the Public Utilities Commission on this effort. Mr. Pilpel stated that he hopes that in our lifetime, people would be able to digest food waste, which he believes is a wonderful project to make happen as a result of all the increased compost that has

been generated. He stated that additional work such as developing regulations has to be accomplished to implement the Ordinance. He stated that the next Director would be working on this program and hopes that there will be public involvement to make this program work so people really have smaller garbage containers, smaller bills, and ultimately reach zero waste.

Director Blumenfeld reported that the city's composting number went from 400 tons a day to 25 tons a day, so that more than a 25% increase was achieved in three months, which is more than anticipated. He reported that a regulation was promulgated so that a waiver could be issued if there is no space to place the carts. A form is available for this process. Mr. Macy was credited for his effort for the past ten years developing this program and thinking through how we can make composting work.

10. Update on the New Landfill Search Request for Proposal (RFP). SPONSOR: Jared Blumenfeld, Director; **STAFF SPEAKER:** David Assmann, Deputy Director (Informational Report and Discussion)

Deputy Director Assmann reported that he has been working on this effort for more than three years, and a conclusion was finally made after a series of public meetings, issuance of Request for Qualifications (RFQ) and Request for Proposals (RFP), selection of finalists, a tentative award, and filing of protest of the award. The contract is now at the point of negotiations with the intent to transmit a recommendation to the Board of Supervisors some time in the New Year. The Board of Supervisors would be making the award decision.

Deputy Director Assmann explained that our existing capacity would run out between January and June of 2014 at the current rate. The new landfill contract would start in 2014 and is intended to be a twenty-year contract. President Pelosi Jr. inquired about the length of the previous landfill contract. Deputy Director Assmann reported that the previous contract went into effect in 1988 and will run out in 2014. President Pelosi Jr. inquired what it would cost on average from the last contract to the new contract per year. Deputy Director Assmann reported that the new contract cost per ton would be in the \$40 range, and the previous contract was in the low \$30 range. The price has gone up, but the span of time has to be considered.

Director Blumenfeld stated that the more successful we are in diverting waste from landfill, the longer the contract would run. From an economic perspective, the longer there is space in the contract, the less money is paid--ten dollars a ton is a big difference. If you can reach zero waste before 2014, a landfill contract won't be required. Deputy Director Assmann reported that his original projection of when landfill capacity would run out when he started working on this project in the mid 1990's was 2001, and it is now 2014, so the contract was extended by thirteen years.

Commissioner Martin asked how the new landfill contract fits the zero waste goals. Deputy Director Assmann reported that we are assuming that we are going to reach our target, so the price per ton is based on two rates. If we are on target, it is one rate. If we go above the target, and we send more to landfill than we should have there is extra cost to be paid per ton, which is the opposite of what most landfill contracts state. There is a disincentive to dispose more. Commissioner Martin stated that the goal to reach zero waste is 2020. So if we are starting in 2014 for twenty years, what is the implication for the balance of the landfill contract years if we meet our 2020 goals? Deputy Director Assmann stated that the implication is the rate per ton

goes up dramatically if we don't reach the goals set forth. Director Blumenfeld stated that if the goal of zero waste is achieved, we would not pay for what is not sent to landfill.

Commissioner Wald asked what the plan was to tell people about this way of thinking about landfill contracts. Deputy Director Assmann stated that once negotiations are complete, the process can be made public and used as a model for other jurisdictions. Discussions are being held with the State Recycling Association about using this contract as a model for others to use.

Public Comment

Mr. David Pilpel stated that he and others that were part of a group that had convened a couple of years ago would want to hear further on this contract before it went to the Board. He stated that he has two concerns (1) if Recology ends up being the successful contractor, that appropriate incentives be implemented so that there isn't an incentive to haul more, and (2) if the landfill is to be sent farther away, to consider rail haul. Mr. Pilpel stated that he does not know if the transportation aspect had been addressed. Deputy Director Assmann was commended for his work on this effort over the years.

Mr. Joshua Arce, Executive Director, Brightline Defense Project, thanked the Department for their service and stated that a tremendous accomplishment has been made directed toward his field of work on environmental justice and disadvantaged communities. Mr. Arce cited a component of the Port of San Francisco's Pier 96 lease agreement whereby Recology was awarded a contract to do recycling for that location and would agree as jobs become available to hire economically disadvantaged residents of area codes 94124 Bayview Hunters Point, 94134 Visitacion Valley, and 94107 Potrero Hill. Mr. Arce recommended that the landfill contract include similar language. President Pelosi Jr. stated that this language could be added to the contract and encouraged Mr. Arce to provide his recommendations to Deputy Director Assmann in writing.

Vice President Gravanis stated that as the cost-effectiveness of these various contracts are measured, the carbon emissions involved in the various means of hauling should also be compared; e.g. comparing trucking with ship-to-rail, etc. Deputy Director Assmann stated that these projections are included in the contract.

11. Expression of Interest in Commission Office (President and Vice-President) and Nomination of Candidates for the Election at the Commission Meeting on January 26, 2010. (Discussion and Action)

Vice President Gravanis nominated Commissioner Jane Martin for the office of Vice President, second by Commissioner Wald. President Pelosi Jr. nominated Commissioner Alan Mok for Vice President, second by Commissioner Tuchow. Vice President Gravanis stated that she would also be willing to run for the office of Vice President if she were not elected for President, second by Commissioner Martin. Commissioner Tuchow stated that he would be willing to run for the office of Vice President if he were not elected for President, second by President Pelosi Jr.

Vice President Gravanis reported that she is willing to run for the office of President, second by Commissioner Martin. President Pelosi Jr. nominated Commissioner Tuchow for President, who stated that he would be willing to run for the office of President.

12. Agenda Planning for the Commission on the Environment Retreat. (Discussion)

Director Blumenfeld recommended that a retreat be held in conjunction with the Jobs Now program staff to learn about their programs and challenges that they see for the city. President Pelosi Jr. recommended selecting a date in the last week of February and asked the Commission Secretary to coordinate this effort.

13. Operations Committee Report. (Information and Discussion)

Chair's Report: Highlights of the October 19, 2009 Meeting and review of the agenda for the January 20, 2010 meeting to be held at the Department of the Environment Eco Center at 11 Grove Street.

Commission President Pelosi Jr. reported that the October Operations Committee meeting included a discussion on the budget, review of Department building renovations, space capacity, and new locations proposed. There was a review of an interesting energy-efficiency program that would be the hallmark of the Department going forward. A detailed analysis was provided on the status of the Department, Public Utilities Commission (PUC), PG&E, state and federal funding and roll-out of energy efficiency programs, which has been a positive community outreach program. It appears that funding would be extended into the New Year. An update was also provided on fundraising which is on track in a tough economy, and a review was made of grants, allocations, and bookkeeping efforts. There were no red flags or issues raised from the discussion.

14. Policy Committee Report. (Information and Discussion)--Chairs Report: Highlights of the October 26 and November 9, 2009 meetings and review of the agenda for the December 14, 2009 meeting to be held at City Hall, Room 421.

Policy Committee Vice-Chair Gravanis reported that the October meeting included a most informative and somewhat alarming presentation on the research being made by the Environmental Working Group on the correlation between long-term cell phone use and medical implications. The report is available on the Environmental Working Group website along with various recommendations for reducing the risks associated with cell phone use. A presentation was also heard about disposing of unwanted pharmaceuticals, which is a difficult problem and something we will be dealing with for a long time. The November meeting main topic of discussion was on safer garment cleaning technologies, which the Commission approved a letter to the BAAQMD that was derived from that discussion. Future agenda items include (1) the status of Candlestick Hunters Point development planning. The Draft Environmental Impact Report has been published and comments might be submitted; (2) tracking of the Urban Forest Plan and request for update; (3) Dark Skies; (4) Congestion Management; (5) follow-up of pharmaceutical disposal problem; and (6) discussion of survey responses received from various environmental groups. Commissioner Martin stated that one of the important points of the cell phone discussion was to limit the use of cell phones for children to emergencies only because of their increased vulnerability to radiation.

15. Commission Secretary's Report. (Explanatory Document: Commission Secretary's Report (Word) <http://sfgov.org/site/uploadedfiles/stenvironment/meetings/coe/supporting/2009/CommissionSecretaryReport112409.doc>) and

2010 Meeting Schedule (Word)

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/CommissionMeetingSchedule2010.doc> (Information and Discussion) Monica Fish, Commission Secretary

- Communications and Correspondence
- Update on Pending City Legislation

Commission Secretary Monica Fish reported that a written report has been provided to the Commissioners and noted special attention to the 2010 Meeting Schedule.

16. Director's Report. (Explanatory Document: Director's Report (Word)

<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/DirectorsRepNov2009.doc>) Updates on Department of the Environment administrative and programmatic operations relating to Budget Planning, Strategic Planning, Clean Air, Climate Division, Outreach and Education Division, Environmental Justice Division, Zero Waste, Toxics Reduction Program, and the Urban Forestry Division. (Information and Discussion)

Director Blumenfeld thanked Ms. Nelly Sun who prepares the Director's Report for her efforts for the past eight years to highlight the Department's achievements. Director Blumenfeld referenced Commissioner Wald's discussion on how to better advertise and make the public aware of the Department's accomplishments. He stated that there is still a continued struggle on how to provide better outreach to the community and different media through the web and asked the Commissioners for their recommendations.

17. Announcements. (Information and Discussion) There were no announcements made at this time.

18. President's Announcements. (Information and Discussion) President Pelosi Jr. thanked everyone and noted that the Commission has had a good year and has heard many agenda items. He asked that there be a focus going forward on energy efficiency and job creation as the two goals he sees as being a part of 2010. He asked that future meetings be shaped moving in that direction in addition to Precautionary Principle protection of toxics. He stated that the Department is well positioned to take leadership in the city in these areas. President Pelosi Jr. stated that he would not be running for office in 2010.

Director Blumenfeld thanked President Pelosi Jr. for his leadership as President and involvement with Department staff and their activities. Commissioner Mok thanked President Pelosi Jr. for his leadership and Commissioners and staff. He suggested that the Operations Committee discuss Silicon Valley's technology involvement with the environment in the New Year. Commissioner Tuchow thanked President Pelosi Jr. for not only his advocacy of energy efficiency but of meeting efficiency, and for his service as Commission President.

19. New Business/Future Agenda Items. (Information, Discussion and Possible Action) There was no new business or future agenda items discussed at this time.

20. Public Comments: Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. There was no public comment at this time.

21. Adjournment. The Commission on the Environment meeting adjourned at 7:04 p.m.

*** Copies of explanatory documents are available at (1) the Commission's office, 11 Grove Street, San Francisco, California between the hours of 9 a.m. and 5 p.m., (2) on the Commission's website at http://sfgov.org/site/sfenvironment_meeting.asp?id=61004; (3) by clicking on the links by each agenda item above, (4) upon request to the Commission Secretary, at telephone number 415-355-3709, or via e-mail at Monica.Fish@sfgov.org within three business days of a meeting. Explanatory documents that are received after posting of this agenda are available on the website or upon request to the Commission Secretary at the contact information listed above.*

Respectfully submitted by,
Monica Fish, Commission Secretary

TEL: (415) 355-3709
FAX: (415) 554-6393

*Approved:





SF Environment

Our home. Our city. Our planet.



GAVIN NEWSOM
Mayor

DAVID ASSMANN
Acting Director

**CITY AND COUNTY OF SAN FRANCISCO
COMMISSION ON THE ENVIRONMENT**

**REGULAR MEETING
APPROVED MINUTES**

**GOVERNMENT
DOCUMENTS DEPT**

TUESDAY, NOVEMBER 24, 2009, 5:00 P.M.

FEB - 2 2010

CITY HALL, ROOM 416, SAN FRANCISCO, CA 94102

**SAN FRANCISCO
PUBLIC LIBRARY**

COMMISSION MEMBERS: Commissioners Paul Pelosi Jr. (President), Ruth Gravanis (Vice-President), Angelo King, Jane MarieFrancis Martin, Alan Mok, Matt Tuchow, Johanna Wald

ORDER OF BUSINESS

Public comment will be taken before the Commission takes action on any item.

- 1. Call to Order and Roll Call.** The Commission on the Environment Meeting was called to order at 5:08 p.m. Present: President Pelosi Jr. (5:20), Vice-President Gravanis, Commissioners Martin, Mok (5:12), Tuchow and Wald. Absent: Commissioner King.

Items 3 – 20 were heard before Item 2.

Ms. Fish made a point of order that the agenda start time for items beginning with Item 3 was advertised as 5:20 p.m.

Public Comment: Mr. David Pilpel suggested that discussion on agenda items beginning with Item 3 not be heard until the advertised time of 5:20 p.m. Deputy City Attorney Owen stated that the agenda time was not advertised as a Special Order and suggested discussion of Item 4 before Item 3. Vice President Gravanis noted her preference of following the agenda order for the benefit of including public participation, unless there was a compelling reason otherwise. Director Blumenfeld recommended holding closed session at the end of the meeting in order to maintain public participation for other agenda items. Commissioner Martin recommended accepting additional public comment on agenda items listed as starting at 5:20 p.m. if required.

2. CLOSED SESSION – PUBLIC EMPLOYEE PERFORMANCE EVALUATION

- a. Public comment on all matters pertaining to the closed session.

Ms. Nancy Wuerfel stated that she believes that Commission members and Department of the Environment ("Department") staff will be applauding all of the leadership and innovation that they have experienced in Director Jared Blumenfeld's tenure as Director of the Department, and acknowledged his remarkable contribution to the Department. Ms. Wuerfel also commented on the nine months leave of absence when Director Blumenfeld was reassigned as Acting General Manager of the Recreation and Park Department. She thanked and highly commended him for taking that interim job and following the Sunshine Ordinance requirement to create an open door policy to his office for the public, for visiting all 230 Recreation and Park Department facilities owned by the City, and for increasing staff morale.

- b. Vote on whether to hold closed session to evaluate the performance of the Executive Director, Jared Blumenfeld. (Cal. Govt. Code § 54957; SF Admin. Code § 67.10(b).) [ACTION]

Upon Motion by Commissioner Wald and second by President Pelosi Jr., the Commissioners voted without objection to hold a closed session to evaluate the performance of the Executive Director (AYES: President Pelosi Jr., Vice-President Gravanis, Commissioners Martin, Mok, Tuchow and Wald; Absent: Commissioner King).

The Regular Meeting recessed at 6:37 p.m. to hold a Closed Session.

- c. Possible closed session to evaluate the performance of the Executive Director, Jared Blumenfeld. (Cal. Govt. Code § 54957; SF Admin. Code § 67.10(b).) [DISCUSSION AND POSSIBLE ACTION]

Closed Session convened at 6:40 p.m. to evaluate the performance of the Executive Director, Jared Blumenfeld. Closed Session adjourned at 7:02 p.m.

- d. Reconvene in open session: The Commission reconvened in open session at 7:02 p.m.

1. Possible report on action taken in closed session and the vote thereon. (Cal. Govt. Code § 54957.1(a); SF Admin. Code § 67.12(b).) Ms. Fish reported that the Commission evaluated the performance of the Executive Director Jared Blumenfeld and there was no action taken.
2. Vote to elect whether to disclose any or all discussions held in closed session. (Cal. Govt. Code § 54957.1(a); SF Admin. Code § 67.12(b).) [ACTION]

Upon Motion by Commissioner Wald and second by Vice-President Gravanis without objection, the Commission voted not to disclose discussions held in closed session (AYES: President Pelosi Jr., Vice-President Gravanis, Commissioners Martin, Mok, Tuchow and Wald; Absent: Commissioner King).

3. Adoption of Minutes of the September 22, 2009 Commission Regular Meeting. (Discussion and Action)

Upon Motion by Commissioner Wald and second by Commissioner Mok, the September 22, 2009 Meeting Minutes were approved (AYES: President Pelosi Jr., Vice-President Gravanis, Commissioners Martin, Mok, Tuchow and Wald; Absent: Commissioner King) (Explanatory Document: September 22, 2009 Approved Minutes http://sfgov.org/site/sfenvironment_page.asp?id=111732)

4. Public Comments: Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. There was no public comment at this time.

5. Commission Process for Nominations for the Position of Director of the Department of the Environment and Formation of Nomination Committee. SPEAKERS: Thomas Owen, Deputy City Attorney and President Pelosi Jr. (Discussion and Action)

Deputy City Attorney Owen provided an overview of the process under the City Charter for selection of Department head as follows. Under the Charter, the Commission nominates up to three names to present to the Mayor, and the Mayor makes a selection from those three names for the Department Head. The Mayor may reject all three candidates and then the Commission submits a new list which may or may not include the same names. If the Mayor does not object, the Commission can send less than three names.

The Brown Act states that the Commission may not meet in closed session to discuss the criteria for selecting candidates and may only meet in closed session to actually interview candidates, review résumés, and make the actual decision of which names to send to the Mayor. The Commission may want to establish a search committee to help the process along. The Committee could identify candidates and review applications, but they are not required to do it that way, and have broad discretion as long as the open meeting laws and other applicable restrictions are followed. The Search Committee would also be a policy body and would be subject to the same Brown Act requirements. The Committee could not meet in closed session except when dealing with specific candidates. It can consult with the Mayor's Office to find out how extensive of a search they are interested in. Whoever consults with the Mayor will have to report in open session to the Search Committee what the consultation was. The Department of Human Resources is available to help the Committee set up the search process depending on how broadly the Committee wants to look for candidates.

After the Search Committee has reviewed and ranked applications, they send the confidential list to the full Commission. The full Commission may then meet in closed session to review the recommendations sent to them by the Search Committee, interview candidates, and hold discussions. The full Commission will then make a determination and send the list of names to the Mayor's Office. Nothing is disclosed until such time as a candidate is actually appointed by the Mayor. The names and applications of unsuccessful candidates are not disclosed.

Compensation in terms of employment for department heads is set by the Memorandum of Understanding between the City and the Municipal Executives Association. The Department of

Human Resources classifies the department heads according to the size of the department. There are a few salary ranges within each classification. The Commission is not allowed to negotiate an actual employment contract with department heads. Finally, if you are a candidate and think you are interested in being a candidate or someone who is a source of income to you is going to be a candidate, you would not be participating in the decision process and that includes setting criteria and everything leading up to the actual list of names.

President Pelosi Jr. stated that the department head position is at the discretion of the Mayor, and that in two years there may be a new Mayor. He asked if that position becomes automatically renewed or if all directors have to turn in a letter of resignation under a new administration. Deputy City Attorney Owen stated that there was no formal requirement that they do submit a letter of resignation. The department head serves at the pleasure of the Commission. Commissioners either serve for cause or at the pleasure of the appointing Mayor. It has been the practice of some new Mayors upon coming into office or others that have been reelected to request a letter of resignation from all the sitting Board Members and Commissioners. Usually Board members and Commissioners comply and sometimes they don't. Candidates would have to consider that there is no guaranteed tenure when accepting the job.

Commissioner Tuchow inquired if there was a timeframe set forth for nomination of candidates. Deputy City Attorney Owen stated that there is no required timeframe. Until such time that the Mayor does appoint a new department head, the services of an Acting Director (whoever is number two in the organizational chart) would be relied upon. Commissioner Tuchow asked who the compensation would be negotiated by. Deputy City Attorney Owen stated that compensation would be in various ranges set by the Department of Human Resources. There is room on the pay scale where to appoint the Department Head, and the decision is based on a combination of the Commission's and candidate's discussion with the Mayor's Office.

Commissioner Tuchow inquired what type of information the Committee would report to the full Commission and if it would include the names of the three candidates. Deputy City Attorney Owen stated that if the Committee went through a list of résumés and selected the top six people, they would actually submit that list as a confidential communication to the full Commission. The Committee would have to notice their meetings, but could meet in closed session to do their actual deliberations. Commissioner Tuchow inquired as to what has to be reported to the full Commission in open session. Deputy City Attorney Owen responded just the fact that names had been sent to the Mayor. Commissioner Wald confirmed with Mr. Owen that any conversation between any one of the Committee members and the Mayor's Office on the search would have to be reported. Mr. Owen stated that if any Committee member formally consulted with the Mayor, that it would be a process issue that would be handled in open session.

Deputy Director Assmann reported that Range A for a Department Head II is from \$131,000 to \$167,000. There is an optional range B and C that are each 5% above that range and is an option depending upon the candidate's qualifications. It was explained that in the previous Director search process, there was a Committee selected by the Commission, which included one Commissioner each from the Policy and Operations Committee, and he as Deputy Director was assisting the two members in the process. President Pelosi Jr. asked Deputy Director Assmann if he had any interest in the Director's position and he stated that no, he did not. Director

Blumenfeld stated that Deputy Director Assmann would be the Acting Director after he leaves and until a new Director is appointed.

Public Comment

Ms. Nancy Wuerfel asked if the services of a headhunter would be utilized to find a replacement. President Pelosi Jr. stated that based upon his experience and availability of resources, a headhunter's services would not be required. The position would be open to whoever wants to apply and believes this position is one that somebody should be passionate to find.

Mr. David Pilpel questioned whether the department head after separation from the City can legally appoint an Acting Director, and stated that he would consult with the Deputy City Attorney about whether the Commission and the Mayor should be the entity that designates an interim department head. Mr. Pilpel also requested an open session disclosure of the numbers of applicants that had applied and how many were selected. With respect to the search, Mr. Pilpel agrees that a national search is not needed because he believes there are qualified individuals in the Department, City government, and in the city and region.

President Pelosi Jr. recommended Deputy Director Assmann and Commissioners Tuchow and Wald as Search Committee members. Vice President Gravanis confirmed with Mr. Owen that it would be acceptable for a staff member to be a voting member even though that person may become an employee of the person hired. Mr. Owen stated that it would be at the discretion of the Commission, that it would be a prudential consideration, but not a legal disqualification.

Commissioner Mok confirmed that the Committee would report back to the Commission on their selection and asked if the Commission would be making the final decision of names to transmit to the Mayor. Mr. Owen stated that the final decision would be made by the full Commission at a closed session hearing. The three candidates would then be transmitted to the Mayor who would make the final selection.

Upon Motion by Vice President Gravanis and second by President Pelosi Jr., establishing a Search Committee was approved with members consisting of Deputy Director Assmann and Commissioners Tuchow and Wald. (AYES: President Pelosi Jr., Vice-President Gravanis, Commissioners Mok, Martin, Tuchow and Wald; Absent: Commissioner King).

6. **Resolution Commending Jared Blumenfeld, Director of the Department of the Environment, for his Service to the Department of the Environment and City and County of San Francisco. SPONSOR:** Commission President Paul Pelosi Jr. (Explanatory Document: Resolution File 2009-05-COE (Word) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/Res2009-05-COEJBlumenfeldCommendationResolution.doc>) (Discussion and Action)

Commissioners and Deputy Director Assmann commended and expressed their appreciation to Director Jared Blumenfeld for his work bringing the community together to champion many issues, several of which are documented in the Resolution, and his environmental leadership in working with Department staff, the Commission, Board of Supervisors, Mayor, and the City and County of San Francisco. Director Jared Blumenfeld thanked current and previous Commissioners for their service in providing guidance to the Department and crafting environmental policy; Department

staff, current and previous Commission Secretaries, and Deputy Director Assmann for their service; and the public for insuring accountability.

Public Comment: Ms. Nancy Wuerfel thanked Director Jared Blumenfeld and stated that she would be happy to assist the new director in the future. Ms. Wuerfel expressed her appreciation that Director Blumenfeld had been inclusive, which is a critical component of success and thanked him for bringing more accountability to the Department and the Impound Account. She stated that she appreciates the ways that the Department has worked to grow into the job and wants to make sure the new director maintains Department funding. She also wished the Search Committee and Commission success in finding the right person for the job.

Ms. Fish read Resolution File No. 2009-05-COE. Upon Motion by Commissioner Wald and second by Commissioner Tuchow, Resolution File No. 2009-05-COE commending Jared Blumenfeld, Director of the Department of the Environment ("Department"), for his service to the Department and City and County of San Francisco was approved. (AYES: President Pelosi Jr., Vice-President Gravanis, Commissioners Mok, Martin, Tuchow and Wald; Absent: Commissioner King)

7. **Approval of Letter on Behalf of the Commission on the Environment to the Bay Area Air Quality Management District (BAAQMD) Board of Directors asking for (1) the support of their agency in partnering with the San Francisco Department of the Environment to promote safer garment cleaning technologies like wet cleaning and (2) requesting that the BAAQMD Board adopt regulations that accelerate the phase out of the most toxic dry cleaning solvent, perchloroethylene. STAFF SPEAKERS:** Debbie Raphael, Toxics Reduction Program Manager and Sushma Dhalipala, Commercial Toxics Reduction Coordinator (Explanatory Document: Commission Letter to the BAAQMD (Word)
<http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/COEletteratBAAQMD112409Corrected.doc>)
(Discussion and Action)

Vice-President Gravanis reported that this item was discussed at the Policy Committee and is a response to the discussion that was held at the meeting. Ms. Raphael and staff were thanked for presenting a very informative presentation at the Policy Committee meeting. Ms. Raphael reported that San Francisco has about 123 dry cleaning machines throughout the city. Dry cleaners traditionally use the most toxic chemical found in residential settings called perchloroethylene. The State of California has phased out perchloroethylene machines and while that is a wonderful event, the replacement for that solvent has air quality problems, is toxic, and is not the desired replacement. There is a better replacement called wet cleaning which is a viable alternative.

Ms. Raphael stated that the letter before the Commission is to call on the local Air District to be become a leader in this area. It is interesting that the California Air Resources Board has been farther ahead than our local Air District. The Department of the Environment is mirroring what is happening at the state level to try and influence businesses when they substitute perchloroethylene, to choose a least toxic alternative, which in this case is wet cleaning. Staff needs the Commission's help to call attention to this important issue because the Board will be voting on an initiative to speed up the phase-out and will also be directing staff on how to implement the switch.

Ms. Raphael requested the Commission's assistance in two action requests that are included in the letter—one is to request that the Air Board choose the faster phase-out, which is an eight-year phase out, which means that machines that are eight years or older must declare by the end of the year what they are going to switch to. The second request is a way to incentivize the switch to wet cleaning so that if a local business promises it will switch to wet cleaning, they would receive extra time to make the switch. It is a way of giving an incentive to do the right thing. Another way the Department would like to incentivize the switch to wet cleaning is to actually offer financial assistance to make the switch.

Commissioner Wald asked if there was any other action that staff would like the Commission's assistance on in this effort, such as attending the meeting and speaking before the Air District. Ms. Raphael expressed her enthusiasm for this addition and reported that San Francisco has two members on the Board, Board of Supervisors Chris Daly and Eric Mar. This letter would be shared with the Supervisor members of the local Air Quality Board so that they are aware that the Commission is asking for their support. There will be a sub-committee called the Stationary Source Sub-Committee hearing where this will be heard first. It would make a positive statement if a Commissioner could attend the meeting, which would be in February or could be as early as December. Ms. Raphael indicated she would send communication on the meeting date.

Upon Motion by Vice-President Gravanis and second by President Pelosi Jr., the letter was approved for transmittal to the Bay Area Air Quality Management District with an amendment to correct the stationery without objection. Staff was thanked for their effort and work on this issue. (AYES: President Pelosi Jr., Vice-President Gravanis, Commissioners Mok, Martin, Tuchow and Wald; Absent: Commissioner King) (Explanatory Document: Approved Letter)

**8. Overview of the “Environment Now” Program. SPONSOR: Jared Blumenfeld, Director;
STAFF SPEAKERS: David Assmann, Deputy Director and Donny Oliveira, Green Jobs
Coordinator (Informational Report and Discussion)**

Director Blumenfeld reported that President Obama's stimulus program allowed for the Department to employ folks that were 200% below the poverty line who were also a parent and was seen as a unique and historic opportunity to bring people into the Department from diverse backgrounds. Mr. Oliveira stated that the federal stimulus opportunity is being utilized to promote existing Department campaigns. Training is being offered to participants to learn about eco-literacy, reinforce job skills, and to reinforce and reenergize the existing Department campaigns as well as bringing a new facet and strategy to new campaigns such as the Mandatory Recycling and Composting Ordinance. President Pelosi Jr. asked how many jobs would be created through this program. Mr. Oliveira reported that the vision would be to employ 100 people within the Department and as space allows, additional jobs would be added. There would be 40 hires by the end of this calendar year (16 have been currently hired, and 24 will be online by the end of the calendar year).

President Pelosi Jr. inquired which City areas most people were hired from, and Mr. Oliveira replied from the Bayview and Western Addition neighborhoods. Director Blumenfeld stated that this is the most inspiring human experience. People that don't think about the environment and don't have jobs in some cases are coming in and interacting with the Department. Mr. Oliveira

was previously employed with the Department of Conservation Corps for the past three years where he was running similar programs and has an excellent track record. Director Blumenfeld encouraged Commissioners to schedule a meeting with Mr. Oliveira to present their vision for the environment and share life experiences. He stated that the Department is also working with Ms. Lisa Wayne to send program staff to a different natural area each month to do restoration programming, work on trails, etc. The hires will go out into the community to reinforce programs, go to every small and medium-sized business to roll out mandatory recycling and composting, and help with Energy Watch audits. The stimulus program runs through September 2010, so there will be approximately a year to energize people that would have never otherwise thought of the environment.

9. Update on the Mandatory Recycling and Composting Ordinance. SPONSOR: Commission Vice President Ruth Gravanis; **STAFF SPEAKER:** Jack Macy, Commercial Recycling Coordinator (Informational Report and Discussion)

Vice-President Gravanis expressed her support for this milestone Ordinance and mentioned media reports surrounding this program, which she asked staff to report on. Mr. Macy provided an update on the Ordinance since the last update to the Commission on July 28. He reported that the Ordinance went into effect on October 21st and is pleased to say it has had a great impact. There has been a huge response from all sectors and lots of inquiries about the program. The Recology Company has had a two to three fold increase in calls, getting up to two to three thousand calls a day primarily composting requests and inquiring about the definition of the Ordinance. Up to 300 green carts have been delivered per day and has resulted in additional staff hiring and trucks to transport the carts.

Mr. Macy reported that there has been overall good press and as a result of media attention, there is a spike in calls about the program. There was a press conference this morning touting the benefits of the composting program—Channel 5 and the Examiner were in attendance. From the beginning of the composting program, there were approximately 620,000 tons of material composted, mostly food scraps, which resulted in 150,000+ tons of reduction in carbon emissions. This figure is equal to deleting all emissions from all of the traffic on the Bay Bridge for 311 days--almost a year's worth of Bay Bridge traffic emissions reduction from the composting food waste program.

President Pelosi Jr. stated that individuals and businesses in Marin County have reported that since these types of programs have been put in place, their trash bills have dropped usually in half. He recommended publishing numbers on how much people are saving as a result of this program. Mr. Macy stated that the big savings are seen by owners of apartment buildings where there is no cost for recycling and composting. President Pelosi Jr. stated that a bill could be cut in half from using smaller trash bins. Mr. Macy stated that up to half or three fourths savings are possible. President Pelosi Jr. recommended publishing that the trash bill could be cut in half by complying with the ordinance. Mr. Macy stated that people are being told that their trash bill could be reduced by up to 75% if they max out on recycling and composting. An average apartment building and small businesses will save hundreds of dollars a month, and large businesses can save thousands of dollars a month.

Commissioner Wald encouraged the Department to create a website that shows what is being accomplished by Department programs, for example, on diversion from landfill, how many tons of waste are being composted as a result of the program. The site would inform the community on what is happening as a result of their participation and can be a reference point as to what difference the program is making. There could be advertisements on bus shelters that would provide the community with familiarity about Department programs and would result in support for these programs. An example would be to advertise how many tons have been composted and what the equivalent of CO₂ savings is. Macy stated this was a good idea and reported that this calculation was just done yesterday and announced to the press.

Public Comment: Mr. David Pilpel spoke in support of staff work and effort on this program. He stated that last week several people participated in a conference in Oakland about anaerobic digestion and had also been involved with the Public Utilities Commission on this effort. Mr. Pilpel stated that he hopes that in our lifetime, people would be able to digest food waste, which he believes is a wonderful project to make happen as a result of all the increased compost that has been generated. He stated that additional work such as developing regulations has to be accomplished to implement the Ordinance. He stated that the next Director would be working on this program and hopes that there will be public involvement to make this program work so people really have smaller garbage containers, smaller bills, and ultimately reach zero waste.

Director Blumenfeld reported that the city's composting number went from 400 tons a day to 25 tons a day, so that more than a 25% increase was achieved in three months, which is more than anticipated. He reported that a regulation was promulgated so that a waiver could be issued if there is no space to place the carts. A form is available for this process. Mr. Macy was credited for his effort for the past ten years developing this program and thinking through how we can make composting work.

10. Update on the New Landfill Search Request for Proposal (RFP). SPONSOR: Jared Blumenfeld, Director; **STAFF SPEAKER:** David Assmann, Deputy Director (Informational Report and Discussion)

Deputy Director Assmann reported that he has been working on this effort for more than three years, and a conclusion was finally made after a series of public meetings, issuance of Request for Qualifications (RFQ) and Request for Proposals (RFP), selection of finalists, a tentative award, and filing of protest of the award. The contract is now at the point of negotiations with the intent to transmit a recommendation to the Board of Supervisors some time in the New Year. The Board of Supervisors would be making the award decision.

Deputy Director Assmann explained that our existing capacity would run out between January and June of 2014 at the current rate. The new landfill contract would start in 2014 and is intended to be a twenty-year contract. President Pelosi Jr. inquired about the length of the previous landfill contract. Deputy Director Assmann reported that the previous contract went into effect in 1988 and will run out in 2014. President Pelosi Jr. inquired what it would cost on average from the last contract to the new contract per year. Deputy Director Assmann reported that the new contract cost per ton would be in the \$40 range, and the previous contract was in the low \$30 range. The price has gone up, but the span of time has to be considered.

Director Blumenfeld stated that the more successful we are in diverting waste from landfill, the longer the contract would run. From an economic perspective, the longer there is space in the contract, the less money is paid--ten dollars a ton is a big difference. If you can reach zero waste before 2014, a landfill contract won't be required. Deputy Director Assmann reported that his original projection of when landfill capacity would run out when he started working on this project in the mid 1990's was 2001, and it is now 2014, so the contract was extended by thirteen years.

Commissioner Martin asked how the new landfill contract fits the zero waste goals. Deputy Director Assmann reported that we are assuming that we are going to reach our target, so the price per ton is based on two rates. If we are on target, it is one rate. If we go above the target, and we send more to landfill than we should have there is extra cost to be paid per ton, which is the opposite of what most landfill contracts state. There is a disincentive to dispose more. Commissioner Martin stated that the goal to reach zero waste is 2020. So if we are starting in 2014 for twenty years, what is the implication for the balance of the landfill contract years if we meet our 2020 goals? Deputy Director Assmann stated that the implication is the rate per ton goes up dramatically if we don't reach the goals set forth. Director Blumenfeld stated that if the goal of zero waste is achieved, we would not pay for what is not sent to landfill.

Commissioner Wald asked what the plan was to tell people about this way of thinking about landfill contracts. Deputy Director Assmann stated that once negotiations are complete, the process can be made public and used as a model for other jurisdictions. Discussions are being held with the State Recycling Association about using this contract as a model for others to use.

Public Comment

Mr. David Pilpel stated that he and others that were part of a group that had convened a couple of years ago would want to hear further on this contract before it went to the Board. He stated that he has two concerns (1) if Recology ends up being the successful contractor, that appropriate incentives be implemented so that there isn't an incentive to haul more, and (2) if the landfill is to be sent farther away, to consider rail haul. Mr. Pilpel stated that he does not know if the transportation aspect had been addressed. Deputy Director Assmann was commended for his work on this effort over the years.

Mr. Joshua Arce, Executive Director, Brightline Defense Project, thanked the Department for their service and stated that a tremendous accomplishment has been made directed toward his field of work on environmental justice and disadvantaged communities. Mr. Arce cited a component of the Port of San Francisco's Pier 96 lease agreement whereby Recology was awarded a contract to do recycling for that location and would agree as jobs become available to hire economically disadvantaged residents of area codes 94124 Bayview Hunters Point, 94134 Visitacion Valley, and 94107 Potrero Hill. Mr. Arce recommended that the landfill contract include similar language. President Pelosi Jr. stated that this language could be added to the contract and encouraged Mr. Arce to provide his recommendations to Deputy Director Assmann in writing.

Vice President Gravanis stated that as the cost-effectiveness of these various contracts are measured, the carbon emissions involved in the various means of hauling should also be compared.; e.g. comparing trucking with ship-to-rail, etc. Deputy Director Assmann stated that these projections are included in the contract.

11. Expression of Interest in Commission Office (President and Vice-President) and Nomination of Candidates for the Election at the Commission Meeting on January 26, 2010. (Discussion and Action)

Vice President Gravanis nominated Commissioner Jane Martin for the office of Vice President, second by Commissioner Wald. President Pelosi Jr. nominated Commissioner Alan Mok for Vice President, second by Commissioner Tuchow. Vice President Gravanis stated that she would also be willing to run for the office of Vice President if she were not elected for President, second by Commissioner Martin. Commissioner Tuchow stated that he would be willing to run for the office of Vice President if he were not elected for President, second by President Pelosi Jr.

Vice President Gravanis reported that she is willing to run for the office of President, second by Commissioner Martin. President Pelosi Jr. nominated Commissioner Tuchow for President, who stated that he would be willing to run for the office of President.

12. Agenda Planning for the Commission on the Environment Retreat. (Discussion)

Director Blumenfeld recommended that a retreat be held in conjunction with the Jobs Now program staff to learn about their programs and challenges that they see for the city. President Pelosi Jr. recommended selecting a date in the last week of February and asked the Commission Secretary to coordinate this effort.

13. Operations Committee Report. (Information and Discussion)

Chair's Report: Highlights of the October 19, 2009 Meeting and review of the agenda for the January 20, 2010 meeting to be held at the Department of the Environment Eco Center at 11 Grove Street.

Commission President Pelosi Jr. reported that the October Operations Committee meeting included a discussion on the budget, review of Department building renovations, space capacity, and new locations proposed. There was a review of an interesting energy-efficiency program that would be the hallmark of the Department going forward. A detailed analysis was provided on the status of the Department, Public Utilities Commission (PUC), PG&E, state and federal funding and roll-out of energy efficiency programs, which has been a positive community outreach program. It appears that funding would be extended into the New Year. An update was also provided on fundraising which is on track in a tough economy, and a review was made of grants, allocations, and bookkeeping efforts. There were no red flags or issues raised from the discussion.

14. Policy Committee Report. (Information and Discussion)--Chairs Report: Highlights of the October 26 and November 9, 2009 meetings and review of the agenda for the December 14, 2009 meeting to be held at City Hall, Room 421.

Policy Committee Vice-Chair Gravanis reported that the October meeting included a most informative and somewhat alarming presentation on the research being made by the Environmental Working Group on the correlation between long-term cell phone use and medical implications. The report is available on the Environmental Working Group website along with

various recommendations for reducing the risks associated with cell phone use. A presentation was also heard about disposing of unwanted pharmaceuticals, which is a difficult problem and something we will be dealing with for a long time. The November meeting main topic of discussion was on safer garment cleaning technologies, which the Commission approved a letter to the BAAQMD that was derived from that discussion. Future agenda items include (1) the status of Candlestick Hunters Point development planning. The Draft Environmental Impact Report has been published and comments might be submitted; (2) tracking of the Urban Forest Plan and request for update; (3) Dark Skies; (4) Congestion Management; (5) follow-up of pharmaceutical disposal problem; and (6) discussion of survey responses received from various environmental groups. Commissioner Martin stated that one of the important points of the cell phone discussion was to limit the use of cell phones for children to emergencies only because of their increased vulnerability to radiation.

- 15. Commission Secretary's Report.** (Explanatory Document: Commission Secretary's Report (Word) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/CommissionSecretaryReport112409.doc>) and 2010 Meeting Schedule (Word) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/CommissionMeetingSchedule2010.doc>) (Information and Discussion) Monica Fish, Commission Secretary
- Communications and Correspondence
 - Update on Pending City Legislation

Commission Secretary Monica Fish reported that a written report has been provided to the Commissioners and noted special attention to the 2010 Meeting Schedule.

- 16. Director's Report.** (Explanatory Document: Director's Report (Word) <http://sfgov.org/site/uploadedfiles/sfenvironment/meetings/coe/supporting/2009/DirectorsReptNov2009.doc>) Updates on Department of the Environment administrative and programmatic operations relating to Budget Planning, Strategic Planning, Clean Air, Climate Division, Outreach and Education Division, Environmental Justice Division, Zero Waste, Toxics Reduction Program, and the Urban Forestry Division. (Information and Discussion)

Director Blumenfeld thanked Ms. Nelly Sun who prepares the Director's Report for her efforts for the past eight years to highlight the Department's achievements. Director Blumenfeld referenced Commissioner Wald's discussion on how to better advertise and make the public aware of the Department's accomplishments. He stated that there is still a continued struggle on how to provide better outreach to the community and different media through the web and asked the Commissioners for their recommendations.

- 17. Announcements.** (Information and Discussion) There were no announcements made at this time.

- 18. President's Announcements.** (Information and Discussion) President Pelosi Jr. thanked everyone and noted that the Commission has had a good year and has heard many agenda items. He asked that there be a focus going forward on energy efficiency and job creation as the two goals he sees as being a part of 2010. He asked that future meetings be shaped moving in that direction in addition to Precautionary Principle protection of toxics. He stated that the

Department is well positioned to take leadership in the city in these areas. President Pelosi Jr. stated that he would not be running for office in 2010.

Director Blumenfeld thanked President Pelosi Jr. for his leadership as President and involvement with Department staff and their activities. Commissioner Mok thanked President Pelosi Jr. for his leadership and Commissioners and staff. He suggested that the Operations Committee discuss Silicon Valley's technology involvement with the environment in the New Year. Commissioner Tuchow thanked President Pelosi Jr. for not only his advocacy of energy efficiency but of meeting efficiency, and for his service as Commission President.

19. New Business/Future Agenda Items. (Information, Discussion and Possible Action) There was no new business or future agenda items discussed at this time.

20. Public Comments: Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. There was no public comment at this time.

21. Adjournment. The Commission on the Environment meeting adjourned at 7:04 p.m.

*** Copies of explanatory documents are available at (1) the Commission's office, 11 Grove Street, San Francisco, California between the hours of 9 a.m. and 5 p.m., (2) on the Commission's meeting website with each agenda at <https://sites.google.com/a/sfenvironment.org/commission/environment-commission>; and (3) upon request to the Commission Secretary, at telephone number 415-355-3709, or via e-mail at Monica.Fish@sfgov.org within three business days of a meeting.*

Respectfully submitted by,
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